

SENATE.

THURSDAY, February 10, 1921.

(Legislative day of Wednesday, February 9, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

WOMEN IN INDUSTRY (S. DOC. 381).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of Labor, submitting a deficiency estimate of appropriation in the sum of \$1,200, required by the Department of Labor for "Women in Industry, Department of Labor," fiscal year 1920, which was referred to the Committee on Appropriations and ordered to be printed.

MARITIME ACCIDENT CLAIMS (S. DOC. 382).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Secretary of War, submitting certain claims against the Government arising out of maritime accidents and for losses of personal property and destruction of personal property, in the sum of \$12,243.61, which was referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF EDUCATION.

Mr. SMITH of Georgia. Mr. President, at the conclusion of the routine morning business on Saturday, or as soon thereafter as the opportunity is presented, I wish to bring to the attention of the Senate the bill (S. 1017) to create a department of education, to authorize appropriations for the conduct of said department, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes, commonly known as the Smith-Towner bill, and to discuss the provisions of that bill with a view especially of showing that some of the criticisms that have been made with reference to it are in no way applicable, as provisions of the bill prevent the possible result criticized.

I know that a number of Senators have received telegrams in the last few days opposing the bill. They have come, in my judgment, from a misapprehension of its terms. There has been no organized opposition except among some Catholics, who, I think, misunderstand the provisions of the bill, for the criticisms they direct against it are covered by provisions of the bill which free the measure from the very things they fear may occur.

There has just been established a Catholic bureau of education, and I wish to read to the Senate one of the provisions announced in their policy. I do so with a view of showing that the bill as drawn does not differ from their theory of what such a measure should be. My desire is to relieve as far as I can their minds from apprehension with reference to the measure by making clear the terms of the bill.

In the announcement issued by the Catholic bureau of education the fourth paragraph reads as follows:

(4) The bureau of education of the National Catholic Welfare Council believes in public education and the public school system. It will be ready to cooperate in all desirable movements for the improvement of public schools, provided such movements will not curtail the rights of the people to maintain and patronize private and parochial schools.

I will show that the bill will not curtail the rights of the people to maintain and patronize private and parochial schools.

The announcement states further:

It will stand upon the platform that it is the duty of every American citizen to contribute to the support of public schools, but it is his right to send his children to any type of school he may wish, provided such school is truly American in its teachings.

The Smith-Towner bill in no way interferes with the right of any American citizen to send his children to the type of school he may wish, and only requires that a State receiving national aid must require the English language to be the basic language of instruction in the schools of the State.

I ask to print without reading the balance of the paragraph.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

It believes that religious education is an essential part of the general education of every child, whether Catholic or not. It believes that right living and good government depend more upon a knowledge and the practice of the laws of God than upon general education without such knowledge. It believes that morality results from religious convictions rather than knowledge of social diseases. Therefore, it will assist in providing religious education for Catholic children attending public schools, and it will be ready to join with other church organizations in their endeavors to provide religious education for children of their own religious denomination.

THE PATENT OFFICE—CONFERENCE REPORT (S. DOC. NO. 379).

Mr. NORRIS submitted the following conference report, which was ordered to lie on the table and be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11984) to increase the force and salaries in the Patent Office, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, and 52.

That the House recede from its disagreement to the amendment of the Senate numbered 51 and to the title of the bill, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 7. That section 4921 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom to which the complainant is justly entitled, but that such damages or profits are not susceptible of calculation and determination with reasonable certainty, the court may, on evidence tending to establish the same, in its discretion, receive opinion or expert testimony, which is hereby declared to be competent and admissible, subject to the general rules of evidence applicable to this character of testimony; and upon such evidence and all other evidence in the record the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as profits or general damages for the infringement: *Provided*, That this provision shall not affect pending litigation. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order, so far as known, the names and addresses of the litigants, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper; and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 10. That the provisions of section 4934 as herein amended shall take effect July 1, 1921, with reference to the fee for issuing an original patent, and shall apply only to patents issued on applications filed after that date. The fees for issuing original patents on all other applications shall be as now provided by law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an

amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 11. That the Federal Trade Commission be, and hereby is, authorized and empowered to accept assignment of, on behalf of the United States, under such regulations and in such manner as the President shall prescribe, inventions, patents, and patent rights which said commission deems it to the advantage of the public to be so accepted, as these may from time to time be tendered it by employees of the various departments or other establishments of the Government except employees of the Patent Office, and to cooperate, as necessity may arise, with scientific or other agencies of the Government in the discharge of the duties herein set out, and the Federal Trade Commission is hereby authorized and empowered to license and collect fees and royalties for licensing said inventions, patents, and patent rights in such amounts and in such manner as the President shall direct, and shall deposit the same with the Treasurer of the United States; and of the total amount of such fees and royalties so deposited a certain per cent, to be determined by the President, shall be reserved, set aside, and appropriated as a special fund to be disbursed as directed by the President to remunerate inventors for such of their inventions, patents, and patent rights contemplated by this section as may prove meritorious and of public benefit: *Provided*, That nothing herein shall be construed to give to said commission or any other governmental agency any authority to engage in the manufacture of any such invention or patented article.

"The Commissioner of Patents is hereby directed to grant all patents and record all assignments and licenses contemplated by this section without the payment of any fee."

And the Senate agree to the same.

G. W. NORRIS,
W. F. KIRBY,
Managers on the part of the Senate.
JOHN I. NOLAN,
FLORIAN LAMPERT,
EDWIN L. DAVIS,
Managers on the part of the House.

PETITIONS AND MEMORIALS.

Mr. McNARY presented the following resolution of the Legislature of Oregon, which was referred to the Committee on Foreign Relations:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozier, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate joint memorial No. 6 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state February 3, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the Capitol at Salem, Oreg., this 3d day of February, A. D. 1921.

[SEAL.]

SAM A. KOZIER,
Secretary of State.

Senate joint memorial 6.

To the honorable Senators and Representatives in Congress assembled:

Whereas a condition of great suffering exists in many parts of Europe, particularly among the women and children; and Whereas the various European Governments are unable to relieve the distress; and

Whereas the American people are now being appealed to by Herbert Hoover, chairman of the European Relief Council, for assistance in keeping helpless children alive until another harvest, to which a universal and hearty response is being made, notwithstanding the frequency of other appeals of a similar nature; and Whereas the contributions made by the American people will be expended for foodstuffs and clothing; and

Whereas the War Department of the United States has for many months widely advertised the sale of surplus food and clothing owned by the United States Government at prices not only far below their cost to the Government but also below the retail cost of similar commodities, and with further great discounts, which discounts are being taken advantage of by dealers and speculators for profit: Now, therefore, be it

Resolved, That the Congress of the United States be and it hereby is memorialized to enact appropriate legislation to the end that said condition of distress be relieved so far as possible by said supplies of food and clothing; be it further

Resolved, That the secretary of state be, and he is, authorized and directed to transmit a copy of this memorial to each Senator and Representative in Congress from Oregon.

Passed by the senate January 28, 1921.

ROY W. RITNER,
President of the Senate.

Passed by the house February 2, 1921.

LOUIS E. BEAN,
Speaker of the House.

Indorsed: Senate joint memorial No. 6. Introduced by Senator Hare.

JOHN P. HUNT,
Chief Clerk.

Filed February 3, 1921.

SAM A. KOZIER,
Secretary of State.

Mr. McNARY presented two resolutions of the Legislature of Oregon, which were referred to the Committee on Agriculture and Forestry, as follows:

Senate joint memorial 4.

To the honorable Senators and Representatives in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that:

Whereas the Government of the United States maintains a Bureau of Animal Industry which, besides cooperating with the several State sanitary boards and sanitary agencies of the several States of the Union, also maintains specialists that are detailed to work out and investigate various animal disease, food, and mineral deficiency problems; and

Whereas in the Wood River Valley in Klamath County, Oreg., and in other range sections of the West, there is present a condition caused either by disease, food, or mineral deficiency that yearly causes the loss of a large number of cattle and up until the present has not been definitely solved or satisfactorily controlled; and

Whereas the State of Oregon is financially unable to carry the investigation further, and in order that the money already expended may not be wholly lost: Therefore be it

Resolved by the senate of Oregon (the house of representatives concurring), That our Senators and Representatives in Congress be and are hereby petitioned and memorialized by the senate and house of representatives of the State of Oregon to take such steps and action as shall result in the early assignment by the United States Bureau of Animal Industry of a chemist and an animal pathologist to cooperate with the Oregon State Live Stock Sanitary Board and the department of veterinary medicine of the Oregon Agricultural College in finding out the cause and developing a remedy for the aforementioned malady; be it further

Resolved, That after concurrence of the house of representatives herein, the chief clerk of the senate shall transmit copies of this memorial to the Senators and Representatives of Oregon in the Congress of the United States.

Passed by the senate January 25, 1921.

ROY W. RITNER,
President of the Senate.

Passed by the house January 28, 1921.

LOUIS E. BEAN,
Speaker of the House.

Senate joint memorial 5.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas damage to standing timber in the State of Oregon, through insect depredations is reaching alarming proportions in certain districts of eastern Oregon, far exceeding damage through forest fires and resulting in actual loss of hundreds of thousands of dollars yearly; and

Whereas private owners of timber have for several years expended considerable sums in an effort to control the spread of insect infestations; and

Whereas very little has been done in Oregon by the Federal Forest Service or other Government departments to prevent spread of infestations from Government-owned to adjoining privately-owned timber holdings, thus rendering the work of private owners in a large measure ineffectual; and

Whereas the State of Oregon is largely dependent upon standing timber for tax revenue and future upbuilding of the State, thus making it vital that timber resources be carefully guarded against needless destruction: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That we, your memorialists, the Senate and House of Representatives of the State of Oregon, in regular session assembled, do respectfully and earnestly petition the Congress of the United States to provide necessary funds and appropriately instruct the United States Forest Service, Department of Agriculture, Bureau of Indian Affairs and General Land Office, Department of Interior, to take immediate steps looking to control of insect depredations threatening adjoining timbered areas in other than Government ownership; be it further

Resolved, That the chief clerk of the senate of Oregon be, and he is hereby, directed to forward a copy of this joint memorial, under his certificate and seal, to the Secretary of Agriculture, Secretary of the Interior, each Senator and Representatives from Oregon in the Congress of the United States, United States Forestry Commissioner of General Land Office, and Commissioner of Indian Affairs.

Passed by the senate January 25, 1921.

ROY W. RITNER,
President of the Senate.

Passed by the House January 28, 1921.

LOUIS E. BEAN,
Speaker of the House.

Mr. McNARY presented a resolution which had been introduced in the Legislature of Oregon, favoring a protective tariff upon all poultry products imported into the United States, which was referred to the Committee on Finance.

He also presented a resolution which had been introduced in the Legislature of Oregon, requesting that the Department of Agriculture maintain the frost-warning service for the prevention of frost damage to fruit crops, which was referred to the Committee on Agriculture and Forestry.

Mr. COLT presented a resolution of the Legislature of Rhode Island, which was referred to the Committee on Education and Labor, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1921.

Resolution opposing the passage of the Smith-Towner bill, creating a department of education in the United States.

Whereas there is now pending in Congress an act which it is believed is prejudicial to the best interests of this country and places undue responsibility upon the school authorities of the several States: Therefore be it

Resolved, That the house of representatives hereby opposes the passage of the Smith-Towner bill, so called, providing for a department of education; and be it further

Resolved, That the recording clerk of the house of representatives is hereby directed to forward to Hon. LEBARON B. COLT and Hon. PETER G. GERRY, Senators from the State of Rhode Island, and to Hon. AMBROSE KENNEDY, Hon. WALTER R. STINESS, and Hon. CLARK BURDICK, Representatives from the State of Rhode Island, a copy of this resolution. Passed February 4, 1921.
A true copy.
Attest:

CHARLES H. HOWLAND,
Recording Clerk House of Representatives.

Mr. McLEAN presented memorials of John L. Gaffney, of the Knights of Columbus, Bishop O'Reilly Assembly, of Waterbury; Court St. Francis, No. 44, Daughters of Isabella, of Greenwich; Margaret McLaughlin, secretary Catholic Women's Benevolent Legion, of Stamford, all in the State of Connecticut, remonstrating against the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution of White Cross Council, No. 13, Knights of Columbus, of Norwich, Conn., protesting against legislation to create a department of education, which was referred to the Committee on Education and Labor.

He also presented memorials of the Sacred Heart Holy Name Society, of New Haven, Conn., and J. Mallon, secretary of Thomas Ashe Branch, Friends of Irish Freedom, of Waterbury, Conn., remonstrating against the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution of the administrative council, Connecticut Council of Catholic Women, of Hartford, Conn., protesting against legislation to create a department of education and labor, which was referred to the Committee on Education and Labor.

He also presented memorials of the Monday Club, of Plymouth, and the Council of Jewish Women, of New Haven, both in the State of Connecticut, remonstrating against commercializing the national parks, which were referred to the Committee on Commerce.

He also presented a petition of Niles-Bement-Pond Co., Pratt & Whitney Co., of Hartford, Conn., praying for the enactment of legislation extending temporarily the time for filing applications for letters patent, etc., which was referred to the Committee on Patents.

He also presented a telegram in the nature of a petition of the Manufacturers' Association, of Bridgeport, Conn., praying that an increased appropriation be made for the Bureau of Foreign and Domestic Commerce and the Consular Service, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented petitions of High Hill Local Farmers' Union, of Bache, Okla.; Farmers' Cooperative Elevators Co., of Linn, Kans.; and Farmers' Educational and Cooperative State Union, of Fremont, Nebr., praying for the enactment of legislation to prevent gambling in grain products, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution of Bourbon County Farm Bureau, of Mapleton, Kans., favoring the truth-in-fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. SMITH of Maryland presented a telegram in the nature of a memorial of F. G. Fischer, rector St. Mary's College, of Ilchester, Md., remonstrating against the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

Mr. WOLCOTT presented petitions of Frank J. Harty, Mae A. Hughes, Genevieve G. Jennings, and Marguerite C. Ghorins, all of Wilmington, Del., remonstrating against the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

SAMUEL H. DOLBEAR.

Mr. POINDEXTER. From the Committee on Mines and Mining I report back favorably without amendment the bill (S. 4694) for the relief of Samuel H. Dolbear. I ask that the bill be placed on the calendar and that the attached papers be printed in support of the favorable recommendation of the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. LODGE. From the Committee on Foreign Relations I report favorably with amendments the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, and I submit a report (No. 773) thereon. I give notice that, with the permission of the Senate, I shall ask to have the bill taken up as early as possible to-morrow.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 5003) for the relief of Hilbert Edison and Ralph R. Walton; and

A bill (S. 5004) to reimburse the depositors of the Freedman's Savings & Trust Co. for losses sustained by its failure, and for other purposes; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 5005) to establish a national conservatory of music for the education of pupils in music in all its branches, vocal and instrumental, and for other purposes; to the Committee on Education and Labor.

A bill (S. 5006) to amend section 29 of the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; to the Committee on Military Affairs.

By Mr. GORE:

A bill (S. 5007) amending subdivision B of section 250 of the revenue act of 1918; to the Committee on Finance.

By Mr. CALDER:

A bill (S. 5008) for the relief of Rosen Bros.; to the Committee on Finance.

By Mr. FRANCE:

A joint resolution (S. J. Res. 256) authorizing the President of the United States to undertake negotiations for the purchase of the territories in East, Southwest, and West Africa, and in Oceania over which Germany exercised sovereignty prior to the war; to undertake negotiations with a view to acquiring by purchase or otherwise the cables surrendered under article 244, Annex VII, of the treaty of peace with Germany; to enter upon the negotiation of a treaty of international comity, commerce, and cooperation with the allied and associated powers looking to the development of the human and natural resources of Africa; to urge the fixing by the allied and associated powers of a just and reasonable indemnity to be paid by Germany to said powers; and to negotiate for the settlement of the principal sums and interest that represent the debts now owing by the said allied and associated powers to the United States, and for other purposes; to the Committee on Foreign Relations.

AMENDMENT OF PURE FOOD ACT.

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 10311) to further amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended by the act approved March 3, 1913, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to increase the appropriation for the investigation and improvement of methods of crop production under subhumid, semiarid, or dryland conditions from \$159,000 to \$169,000, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate \$800,000 to continue the development of a submarine base at the naval station, Key West, Fla., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment providing that the Auditor for the War Department be directed to credit the accounts of Capt. Frank B. Edwards in the sum of \$4,213.56, covering disallowances, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WOLCOTT submitted an amendment providing that an examination and survey be made of the waters and shore lines of the Atlantic Ocean from Cape Henlopen south to the lifesaving station at Rehoboth, Del., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BALL submitted an amendment proposing to appropriate \$1,500,000 toward the development of a submarine base at San Pedro, Calif., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,500,000 toward the development of a naval base at Alameda, Calif., etc., intended to be proposed by him to the naval appro-

priation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$800,000 toward the development of a naval air station at Sand Point, Wash., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. CALDER submitted the following resolution (S. Res. 444), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That S. Res. 99, agreed to July 17, 1919, authorizing the Committee to Audit and Control the Contingent Expenses of the Senate to employ an assistant clerk during the Sixty-sixth Congress, be, and the same is hereby, extended in full force and effect until the end of the Sixty-seventh Congress, at the rate of \$2,000 per annum, to be paid out of the contingent fund of the Senate.

NOMINATIONS OF CERTAIN POSTMASTERS.

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside for the purpose of considering House bill 15682, the Indian appropriation bill.

Mr. FLETCHER. Mr. President, before that unanimous consent is granted I wish to make a proposal for unanimous consent, which I believe will be readily agreed to, because I can see no possible ground or reason for opposition to it. It is that now, by unanimous consent, as in open executive session, the Senate agree to consider the nominations sent in by the President and to confirm the postmasters named in the list submitted by the Postmaster General, and which appears in the CONGRESSIONAL RECORD of Saturday, February 5. That list is headed "List of offices where former service men, or widows of such, have been nominated for postmasters and their nominations not confirmed, and names of nominees." The names of the postmasters, the locations, and everything are set out in the RECORD. The list appears on pages 2621 to 2623 of the RECORD. It is not a very long list, and I believe there can be no opposition to the unanimous-consent request that as in open executive session the Senate shall confirm the nominations.

Mr. FRANCE. Mr. President, because of the absence of the chairman of the Committee on Post Offices and Post Roads, I must object.

The VICE PRESIDENT. Objection is made.

INDIAN APPROPRIATIONS.

Mr. CURTIS. I renew my request for unanimous consent to lay aside temporarily the unfinished business and take up House bill 15682, the Indian appropriation bill.

Mr. SIMMONS. I wish to inquire of the Senator who will be in charge of the Indian appropriation bill how long it is believed it will take to dispose of that measure?

Mr. CURTIS. The bill should be disposed of in two or three hours.

Mr. SIMMONS. It can be disposed of to-day?

Mr. CURTIS. I know of no discussion to take place on any of the amendments.

Mr. SIMMONS. The only object I have in making the inquiry is that we have had something like a gentleman's agreement that there is to be a vote upon the emergency tariff bill early next week, and I would not like to have all the time this week taken up with appropriation bills, because that would not leave sufficient time for further discussion of the emergency tariff bill.

Mr. CURTIS. I will state to the Senator that if the Indian appropriation bill leads to prolonged discussion, I shall not insist on going ahead with it.

Mr. SIMMONS. I shall not object if it does not take longer than to-day.

Mr. CURTIS. I do not think it will.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Kansas yield to me? I wish to ask unanimous consent out of order to introduce a resolution for proper reference and to offer just a word of explanation of it, if the Senator will allow me. It will not take more than a minute or two.

Mr. CURTIS. I would rather the Senator would wait until the Indian appropriation bill is laid before the Senate and then I shall be glad to yield.

The VICE PRESIDENT. Is there objection to temporarily laying aside the unfinished business and proceeding to the consideration of House bill 15682, the Indian appropriation bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal

year ending June 30, 1922, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CURTIS. I ask unanimous consent to dispense with the formal reading of the bill, that it be read for amendment only, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. CURTIS. I now yield to the Senator from South Carolina.

THE COTTON SITUATION.

Mr. SMITH of South Carolina. Mr. President, I submit a Senate resolution, which I ask to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The resolution is extremely necessary, and I sincerely hope that the committee will report it out at the earliest possible moment.

There seems to be a confusion in the minds of the public in general and in our statistical departments as to the amount and kind of cotton on hand in the United States. I have before me a letter from the Director of the Census giving certain tables showing the amount of cotton available in the country; that is, cotton that was supposed to be carried over from the previous crop into the present crop year. The tables are so startling in their nature and so contradictory that I think it is the duty of this body to see that a matter of such importance to the finances of the country shall be set at rest by authorizing a committee to investigate the matter exhaustively and give the facts to the public.

In submitting the resolution, I ask leave to have printed in the RECORD the tables to which I have referred. They are very few in number, and I desire to have them accompany what I have to say in reference to the matter.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Production, consumption, and exports of American cotton in running bales (exclusive of linters).

Year.	Production.	Consumed in United States.	Exports from United States.
1914-15.....	15,905,840	5,375,305	8,322,688
1915-16.....	11,068,173	6,080,618	5,895,672
1916-17.....	11,363,915	6,470,244	5,302,848
1917-18.....	11,248,242	6,382,695	4,288,420
1918-19.....	11,906,480	5,589,820	5,592,386
1919-20.....	11,325,532	6,002,993	6,545,323

Production, consumption, and export of linters, 1914-1920 (running bales).

Year.	Production.	Consumption.	Exported.
1914-15.....	832,401	411,845	221,875
1915-16.....	944,640	880,916	295,438
1916-17.....	1,300,163	869,702	436,161
1917-18.....	1,096,422	1,118,840	187,704
1918-19.....	910,236	457,901	71,534
1919-20.....	595,093	342,473	58,021

FEBRUARY 3, 1921.

Hon. E. D. SMITH,

United States Senate, Washington, D. C.

My DEAR SENATOR: I now take pleasure in sending you by messenger the information requested at our interview on the 2d instant. You will note that the consumption and exports of American cotton in the United States, when considered with the necessary carry-over, shows a difference of about 200,000 bales per year. This difference is accounted for by a number of factors, the principal ones being the inclusion of the "city crop" in the distribution of figures and an understatement by the ginners of the amount of cotton remaining to be ginned, at the March canvass of each year.

You, of course, realize the difficulties encountered in obtaining information as to the cotton situation in foreign countries. We have secured information from such sources as are available, the footnote showing the sources of each item shown in the table of stocks held.

Trusting that you will find the data of service, I am,

Very truly, yours,

SAM L. ROGERS.

Probable stocks of American cotton on July 31, 1914 to 1920.
[In thousands of running bales.]

Location.	1920	1919	1918	1917	1916	1915	1914
Total.....	5,402	5,985	4,147	3,844	5,053	7,258	4,283
In American mills.	C1,208	C1,252	C1,402	C1,408	C1,490	C1,392	C612
In public storage in America.....	C1,922	C2,180	C1,689	C838	C1,037	C1,749	C415
In ports and elsewhere in United States.....	E150	E775	E250	E330	E403	E750	E35
In British mills....	H210	H110	H100	H160	H203	H200	(9)

¹ Included in "In continental mills."

Probable stocks of American cotton on July 31, 1914 to 1920—Continued.

Location.	1920	1919	1918	1917	1916	1915	1914
In British ports...	G822	G503	G108	G154	G564	G1,198	G618
At sea to United Kingdom.....	L55	L254	L53	L97	L146	L41	G35
In continental mills.....	H200	H175	H150	H300	H500	H1,000	H1,780
In continental ports.....	G354	G292	L95	G229	G324	G605	G575
At sea to Continent	L120	G194	G50	L103	G192	G148	G63
In Japan, Canada, and other countries.....	E380	E250	E250	E225	E200	E175	E150

NOTE.—Sources of information: C, census; E, estimated; G, Cotton Gazette, Liverpool; H, Hester's Annual Report; L, Liverpool Cotton Association.

Estimated world's production and consumption of cotton, exclusive of linters, in United States.

[Bales of 500 pounds net weight.]

Year.	Production.	Consumption.
1920.....	18,451,000	18,451,000
1919.....	19,260,000	15,970,000
1918.....	17,940,000	17,701,000
1917.....	17,343,000	20,180,000
1916.....	18,092,000	21,611,000
1915.....	17,649,000	19,761,000
1914.....	23,768,000
6-year total.....	114,052,000	113,074,000

Mr. SMITH of South Carolina. I find, according to the tables, that they claim there is a carry-over of five million and odd thousand bales when, according to their table of production and consumption, there are not more than half a million bales of cotton that were actually ginned from seed. The table of production and consumption of the world's cotton crop comprises the number of years for which I asked, namely, 1914-1919, inclusive, because the 1920 crop is not yet completed in its marketable form. I asked for tables showing the world's production and the world's consumption. They furnished me with that table, which shows that there are less than a million bales of cotton carry-over out of the world's production. In other words, they state that there were produced in the world 114,052,000 bales and the consumption of the world was 113,074,000 bales.

The production of American cotton for the same period aggregated 72,281,182 bales. The consumption of American cotton, down to and including 1919, was 71,849,015 bales, making a surplus over consumption of 432,167 bales, and yet in the table of the stock on hand it is shown that there are of the American production 5,402,000 bales carry-over into the present incoming crop.

The table as to the world's production and consumption of cotton and the table as to the American production and consumption do not tally with the amount of cotton on hand. In addition to that, Mr. President, our officials report that our sources of information as to the amount of stocks of American cotton held in foreign countries are, other than such facts as the census discloses, the Cotton Gazette, which is a Liverpool organ in the control of the Liverpool Cotton Exchange, the Liverpool Cotton Association itself, and Mr. Henry G. Hester, the statistician for the New Orleans Cotton Exchange, and also, I am informed, the statistician for the Lancashire mills. So the people of America who produce cotton have to rely for their information as to how much there is held in stock, vitally affecting the price of this great American monopoly, on the Liverpool Cotton Exchange, the Liverpool Cotton Association, and Mr. Henry G. Hester, the statistician for the New Orleans Cotton Exchange, and also, as I am informed, the statistician for the Lancashire people.

Mr. SIMMONS. Does the Senator mean to tell the Senate that the Census Bureau, in performing the duty of taking the census of the amount of cotton produced and consumed in this country and in the world, have simply taken the report of the Liverpool company and the report of the New Orleans official to whom the Senator has referred?

Mr. SMITH of South Carolina. All that I can tell the Senator is that in conjunction with another Senator—the Senator from Alabama—I waited upon these gentlemen and we asked them to give us specifically how much cotton was ginned for six years from 1914 to 1919 of the American production, how much was consumed, and how much was exported.

I then asked how much cotton was in stock of the American variety in this country and abroad, how much was produced

by the world at large, how much was consumed, and what was the entire stock on hand. I also asked them to give their sources of information. They replied, over the signature of the Director of the Census Bureau, that outside of only two items, concerning which they claim to have gotten information elsewhere, their sources of information as to the American stock held abroad and the world's stock held abroad and the cotton that is carried over from the previous crop into the present crop are the Liverpool Cotton Association, the Liverpool Cotton Gazette, and Mr. Henry G. Hester, of New Orleans. They leave us dependent upon those sources of information as to what is the amount of the product.

Mr. SMITH of Georgia. Will the Senator from South Carolina allow me to interrupt him?

Mr. SIMMONS. Just a moment. Will the Senator from South Carolina tell the Senate as to the two agencies from which he says these figures were obtained by the Census Bureau as the basis for their report, whom they represent, and what interest they represent in reference to cotton?

Mr. SMITH of South Carolina. Every Senator here knows, for it is a notorious fact, the effect which is produced on the English spinning world by the amount of cotton that America may produce, and that the bread and butter of Lancashire, which comprises that coterie of mills in Lancashire, Manchester, Oldham, Leeds—all that group of mills around the Manchester canal, which are represented by the Liverpool Cotton Exchange—depends on the amount of the American production.

We in this country have a monopoly of the spinning cotton of the world, for I state here to-day that there is not a spot on the globe that can grow the variety of cotton which is known as American midland upland. Wherever American seed is taken and planted in other lands, for some reason the peculiarity of the climate makes it produce a cotton that does not even grade approximately with the American variety.

With a monopoly of the production of that variety of cotton, with the balance of trade of America in our favor by virtue of the exportation of cotton, for the world can not get it elsewhere, we are here solemnly told by a Government statistical agency in America that the sources of information as to the amount of cotton on hand affecting the price of America's monopoly are the Liverpool Gazette, the Liverpool Cotton Exchange, and Mr. Henry G. Hester, the world's statistician on cotton, who is located in New Orleans.

Mr. President, there is not a man here but knows that the tendency of everyone is to do as a witness said when being examined in one of the famous cases in South Carolina under the dispensary régime. When asked why it was that his testimony all went in one direction he said, "Whose bread I eat his song I sing." And every Senator in this Chamber knows that wherever there is any doubt at all you give the benefit to your client, and when there is not any doubt and you have not a very good conscience you give it to your client anyway.

I am claiming that it is the duty of the American Congress on so vital a matter as the great balance of trade of this country to see that the amount of cotton held in this country and abroad is known accurately, so that those whom we invite to produce this wealth in order that we may hold the balance of trade in favor of our country shall know just how to conduct their business.

I hope that the committee to whom the resolution may be referred will report it out and allow us to proceed to investigate the subject.

I state here this morning on the floor of the Senate that, knowing the amount of consumption of American cotton up to 1914—the World War, of course, broke up all the established lines of trade and threw all business into more or less chaos—and considering the sources of my information, I do not believe that there is carried over from previous crops into the present crop a million bales of spinnable cotton.

The world was astounded when in 1914 we produced approximately 16,000,000 bales of cotton. The amount that was consumed in that consumption year—and the cry went up all over the country, "Buy a bale and help the distressed southern cotton producers," for the World War had come unexpectedly and the channels of trade were broken up, and embarrassment and confusion in the world's commerce was the result—from August 1, 1914, to August 1, 1915, was 14,800,000 bales of American cotton, the biggest consumption, perhaps, which has occurred in the history of the consumption of American cotton.

Mr. RANSDELL. Mr. President—

Mr. SMITH of South Carolina. I yield to the Senator.

Mr. RANSDELL. I do not know that the Senator has intended by his remarks to reflect at all upon Mr. Henry G. Hester, of New Orleans. I wish to say that I am entirely in

favor of the Senator's resolution and sincerely hope it may be adopted, believing that it will be productive of great good. I desire to add, however, that no man in Louisiana or in the South stands higher than does Mr. Henry G. Hester. For a great many years he has been recognized as the best cotton statistician in the United States. He is the statistician of the New Orleans Cotton Exchange. If he has any connection outside of this country, I do not know of it; he may have; I neither deny nor affirm that proposition; but I do know that he is a man honored and esteemed very highly by the cotton trade in the South, including producers and consumers alike; and certainly no man in the State of Louisiana stands higher. I believe he is a thoroughly honest man, and I believe he reports the facts as he believes them to be.

I repeat I am in favor of the resolution of the Senator from South Carolina; I think the Senate ought to make some investigation, and I hope the resolution will be adopted.

In defense of the Census Bureau I wish to say that I had the matter up in some form with them a short while ago, and was told they had no money with which to make investigations, but that they would be glad to make thoroughgoing, scientific investigations which would really shed light on the subject if they had the money.

Mr. SMITH of South Carolina. Mr. President, so far as casting any reflections is concerned, I have confined myself strictly to the facts, and will let Senators draw their own conclusions. The facts are that the sources of information set down are the Liverpool Cotton Exchange, the Liverpool Gazette, and Mr. Henry G. Hester. Senators may weigh that statement for what it is worth. We certainly are entitled to an impartial and fair statement of the amount of the cotton crop on hand, both for the protection of the consumer and for the protection of the producer.

I have one further word to say, and then I am through. I stated a moment ago that I did not believe that there was carried over in excess of a million bales of cotton of the spinnable variety, that which could be used by the spindles of the world.

Mr. SIMMONS. Does the Senator mean of the world or of the United States?

Mr. SMITH of South Carolina. I mean of the United States crop here in this country. As I have said, we consumed 14,800,000 bales from August 1, 1914, to August 1, 1915. We produced in the year following 1914, namely, in 1915, only 11,000,000 bales. The very next year we consumed in excess of 12,000,000 bales, the amount approximating 13,000,000 bales. In 1916 we produced 11,363,000 bales; and in each of the years 1917 and 1918 little in excess of 11,000,000 bales. In other words, for the six years we produced an average, including the excessive crop year of 1919, of about 12,000,000 bales, or an aggregate of 72,000,000 bales for the six years.

Mr. SIMMONS. Mr. President, the Senator says that, in his judgment, not over a million bales of American cotton have been carried over this year.

Mr. SMITH of South Carolina. Yes.

Mr. SIMMONS. Now, I wish to ask the Senator what is about the average carry-over?

Mr. SMITH of South Carolina. The average carry-over has been about 2,500,000 to 3,000,000 bales, because no one can tell what a crop will make, and the mills have generally—

Mr. SIMMONS. So that the carry-over of this year is less than the average?

Mr. SMITH of South Carolina. It is less than half of the average carry over.

Now, Mr. President, I wish to call the attention of the Senate to another fact. Do you know that in the communication to which I have referred the statisticians have counted in the carry over the production of linters? The ordinary layman does not know what we mean when we say linters. Linters are the little fibers taken off the seed after the cotton has been ginned. It is used for various purposes, such as the making of mattresses and for explosives, but it is not available for the spindle, and yet something like half a million to three-quarters of a million bales, perhaps a million bales, of such cotton are counted in the stock on hand, so that one reading the quantity of cotton carried over would conclude that there was enough cotton carried over possibly to answer the requirements of the mills until the middle of the summer. My contention is that some official body should count the cotton and let the producer and the consumer know how much of it is available for the spindle and how much is either linters or gin cut, water packed, or perished fiber that should not be counted as cotton.

For these reasons I have submitted the resolution, and it involves a matter of such stupendous importance, not only to growers of cotton in the South but to the spindles of the world and to the exchequer of America, that I hope that the committee will report it out at the earliest possible moment.

Mr. SMITH of Georgia. Mr. President, I have examined the figures submitted by the Senator from South Carolina. If you take the figures with reference to the consumption and production submitted by the Census Bureau, the Senator from South Carolina gives a liberal estimate when he fixes the carry-over of the present crop at 1,000,000 bales. Those figures really show practically the consumption of the entire production since July 31, 1914. They are substantially accurate. They are taken by the Census Bureau itself. They are the most reliable figures that are given by the Census Bureau, because they are not taken from foreign journals; they are not based upon estimates; they are not derived from figures furnished by outside sources.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. SMITH of Georgia. I do.

Mr. SIMMONS. Does the Senator mean that there are two estimates—one estimate made by the Census Bureau and given to the public and then another estimate based upon the reports of this Liverpool concern?

Mr. SMITH of Georgia. No. First, there is an estimate by the department of production and consumption, based on their figures year by year, and of production of cotton in the field, and of consumption by our mills and exports. That is one set of figures that they furnish. Comparing those sets of figures, the consumption and export since July 1, 1914, has practically equaled production, and there would be substantially no carry-over. There is another set of figures which they give us, in which they seek to estimate the amount of cotton now in the ports of the world and now in the mills of the world. That estimate is not based on figures accurately taken by the Census Bureau, but they give us, in connection with the estimate, information as to where they obtain it. They tell us that those figures marked "E" are bare estimates, that those marked "G" are from the Cotton Gazette of Liverpool, that those marked "H" are from Hester's Annual Report, and those marked "L" are from the Liverpool Cotton Association.

There is another fact which I wish to bring to the attention of the Senate and the public with reference to this matter. It is entirely a mistake to consider the amount of cotton July 31 of any one year as an amount which is to be added to the production of the ensuing year to show the amount available for a year's consumption.

Cotton does not reach the mills from the fields before the 1st of October of the year it is grown, so there is a two months' consumption to be applied to the carry-over before the coming year's production enters the market. The production of last year must furnish the mills until October 1 of this year before the new crop reaches them for consumption, so that when the carry-over of July 31, 1920, is considered we must deduct from it two months' consumption before we determine the amount of cotton that will be available for the ensuing 12 months.

Let me repeat, because an erroneous system of calculation has entered many estimates that have been published.

The cotton crop does not reach the mills by July 31 of the year it is grown. It has to be picked and ginned, and practically no cotton reaches the mills before October 1; so that the consumption of the mills during August and September comes out of what is called the carry-over July 31, and that amounts to between 2,000,000 and 3,000,000 bales—certainly 2,000,000 bales.

Then there must always be a distribution in the mills, for use throughout the world, of at least 1,000,000 bales of cotton, or they would be without any supply for operation; so that from any carry-over of July 31 there really ought to be deducted 3,000,000 bales before determining what tax would be put upon the incoming crop. And the estimate of the Senator from South Carolina that October 1 of last year there was a carry-over of approximately 1,000,000 bales is a liberal estimate of the amount of surplus.

Again, this statement shows that 1,000,000 bales of cotton treated as a carry-over was of linter, useless for manufacturing purposes.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. SMITH of Georgia. I do.

Mr. SIMMONS. If I understand the Senator—and I want to see if I do understand him—he says that, so far as that part of the census report which relates to American cotton is concerned, it is substantially correct; that there is about 1,000,000 bales carry-over of the American production?

Mr. SMITH of Georgia. Yes.

Mr. SIMMONS. The inaccuracy complained of is with reference to the world's carry-over, including the American crop?

Mr. SMITH of Georgia. Yes.

Mr. SIMMONS. Then the error complained of relates to the estimate as to the production and consumption of cotton made outside of the United States?

Mr. SMITH of Georgia. I do not think that would be accurate. The error complained of is as to the estimates in mills all over the world.

Mr. SIMMONS. That is exactly what I say. That is the inaccuracy. As to the American consumption and production, the figures are correct?

Mr. SMITH of Georgia. I take it for granted they are.

Mr. SIMMONS. As to the production outside of the United States, the figures are not correct.

Mr. SMITH of South Carolina. No; let me explain that. They have given here, in a certain column, the total production. They have given it year by year, and you can add up the figures and get the total. They then give the domestic consumption and export. That is for the six crop years. The table shows, according to those figures, that for those six years there would not be a carry-over of much over a half million bales. Now, in their table as to the stock held in America, which you find in the table that the Senator from Georgia has in his hand, there is something like three and a quarter million bales. Their table of production and their table of export and consumption is on one page, showing that there is perhaps less than a million bales, and in the other table it shows that there is counted by the Census Bureau in mills, in the establishments in this country, something like 3,000,000 bales; and I am anxious to know, if the production and the consumption are about parallel in one set of figures, where do you get your three and a quarter million bales of American cotton in American establishments from that table?

The whole world's carry-over is 5,000,000 bales, including the 3,000,000 American bales, and yet in the world's production and consumption, including the American cotton, there is 114,000,000 bales produced and 113,000,000 bales consumed. If that be true, where do you get your 2,000,000 bales of the world's production outside of America to add to their 3,000,000 bales, making the 5,000,000?

Mr. SMITH of Georgia. And these figures about the situation outside of the United States are entirely based upon the estimates to which I have called attention.

As the Senator says, there are two sets of figures furnished—one production and the other consumption. The consumption consists of consumption in American mills and exports. Those figures show practically no cotton left on hand. They show practically the consumption of the crop since July 31, 1914. If they are right, the other figures must be wrong.

Mr. SIMMONS. The thought I had in my mind was that we are not so much concerned about the carry-over as to cotton produced outside of the United States.

Mr. SMITH of Georgia. No.

Mr. SIMMONS. We are concerned about the carry-over as to cotton produced in the United States.

Mr. SMITH of Georgia. Yes.

Mr. SIMMONS. The carry-over determines, in a measure, the price of our cotton.

Mr. SMITH of South Carolina. That is right.

Mr. SIMMONS. Now, as there is absolutely no place upon the face of the earth where they produce the kind of cotton that we produce in this country, the price of cotton in this country ought not to be affected by a big carry-over somewhere else, because that carry-over is of cotton that does not come into competition with our cotton.

Mr. SMITH of Georgia. That is true; and yet the Senator from South Carolina has called attention to the fact that in their estimates of world production and world consumption also they consume it practically all, that the figures necessarily are somewhere wrong, that the figures of consumption and production as shown by them indicate no more surplus than the mills absolutely would have required until the 1st of October and to leave just a small stock in each mill until it could get more cotton; and these other figures, based largely upon estimates he insists, are incorrect, and the market has been borne by the theory that there is this large carry-over of 5,000,000 bales, when at least one-half of their evidence, and their more accurate evidence—the evidence they have an opportunity to make more accurate by absolute statistical information—indicates that a million bales would be a full estimate of the carry-over for October 1 of last year.

Mr. HEFLIN. Mr. President, I was with the Senator from South Carolina [Mr. SMITH] upon the occasion of his visit to the Director of the Census, and with him requested that this table of cotton statistics be furnished to us. We challenge the correctness of the figures that are supposed to account for the presence of four or five million bales of old cotton. We deny the existence of this cotton in the United States; and when I

say "cotton," I mean real cotton, such as is used by the spinning mills of the United States and other countries. We charge that large quantities of this stuff called cotton are linters, and can not be used in the cotton-spinning mills of this or any other country. And yet they are counted as a part of the cotton supply in the United States, and this is done for the purpose of depressing the price of real cotton. These figures are juggled and published, and they constitute a club in the hands of bear speculators with which to beat down the price of cotton.

The price of cotton to-day, Mr. President, is far below the cost of production. The price this morning is not even half of what it cost the farmers of the United States to produce the present crop. A great deal of the stuff accounted for in these statistics is linters, bought by the Government during the war for the purpose of making explosives. Many of these linters have been left out in the weather, and a large amount of this stuff is rotten, and is not fit for any purpose; yet it is being counted in the cotton supply of the United States. It is unfair to the producers of America that that should be done.

Not only that, Mr. President, but a great deal of this cotton has been accounted for two or three times. I want to discuss this feature of the question briefly. Take, for instance, the north end of my own congressional district, right on the Georgia line. The gin reporters on the Alabama side report the amount of cotton on hand at the warehouses and other storage places. Suppose 10,000 bales of this Alabama cotton are accounted for in the ginners' report sent to Washington from a county in my State and placed in the statistics here, and then that same cotton is sold to the cotton mills in Columbus, Ga. When it gets over there, the gin reporter for that county reports it in his account of cotton on hand, and that 10,000 bales of cotton is made to appear as 20,000 bales in the statistics. It had already been accounted for as cotton on hand while it was in Alabama.

Mr. SIMMONS. Mr. President, the Senator has just made a most startling statement. The Senator has stated that in taking the census of cotton production in this country the agent first goes to the ginners and obtains from him a statement as to the number of bales of cotton ginned; that after he has taken a census of the gineries of the county, he then goes to the town, wherever the warehouses or storehouses are located in which this cotton that is ginned is stored; that he then goes to those warehouses and finds out how many bales are stored in the warehouses, and then adds those bales to the bales that were ginned, when, as a matter of fact, the bales stored in the warehouses were the identical bales that were ginned and accounted for at the gineries. Does the Senator tell the Senate that that method has been adopted in ascertaining the production of cotton in this country?

Mr. HEFLIN. The Senator understood me in part. For instance, a report comes from my county that 15,000 bales have been ginned. I do not mean that they afterwards find 5,000 bales in the town and add them to the 15,000 bales reported ginned, making 20,000 ginned.

Mr. SIMMONS. That cotton in the storehouses was ginned somewhere in this country.

Mr. HEFLIN. Of course, and reported as cotton ginned.

Mr. SIMMONS. Then they have taken the census of all the cotton ginned at every gin house. Therefore, if they add to that the cotton in storage they must add cotton already estimated as having been ginned.

Mr. HEFLIN. That is true; it amounts to that. But here is the point: For instance, the whole crop of a county is reported as 10,000 bales. The gin reporter going around to warehouses later makes a separate report on the amount of cotton on hand. He makes this report of cotton on hand to the Director of the Census; but now we will say that it has been sold and moved to the State of Georgia, right over the line, and the gin reporter over there, making up the figures as to cotton on hand, reports as cotton on hand in his county that same cotton already accounted for in my State, making it appear as 20,000 bales, when there are really only 10,000 bales in existence. What we are complaining about is that under this confusing and misleading system 2,000,000 bales are made to appear as 4,000,000 bales.

Mr. SIMMONS. That practically means that it is a duplication as to all the cotton ginned that is ultimately stored in warehouses.

Mr. HEFLIN. It is true of a great deal of it.

Mr. SIMMONS. That is what it means.

Mr. HEFLIN. Yes.

Mr. SIMMONS. If that be true, of course, this census is manifestly erroneous, untrue, and misleading, greatly to the injury of the cotton farmers of this country.

Now, has the Senator sufficiently investigated this matter to be able to tell the Senate that that is the practice, or was the practice, of the Census Bureau in taking the census? If it was,

then it absolutely vitiates the value and importance and significance of this estimate.

Mr. HEFLIN. We have a gin reporter for each county, as the Senator knows, and the gin reporter for the county where there is no cotton mill will report the amount of cotton on hand at the warehouses in his county, and that is sent to the Director of the Census, and if that cotton is sold and moved over into the county where a cotton mill is located, then the gin reporter over there reports this same cotton as the amount of cotton on hand at the mill, so that it is reported twice.

So, Mr. President, we charge that there is a lot of misinformation growing out of this very confusing system, and we want to get at the truth; we want to let the farmers of the country know just how much cotton there is in the United States, and we want to let the public know and the spinners know the facts in the case.

In that connection, Mr. President, I want to say that this resolution will give us authority to go to the New Orleans Cotton Exchange and to the New York Cotton Exchange and find out how much dog-tail and other unspinnable cotton is on hand at those exchanges now being tendered on contracts and serving no purpose except to depress the price of real cotton. I have reason to believe that a vast amount of it is being accumulated in New York. I remember on one occasion years ago they shipped 50,000 bales of dog-tail cotton from Liverpool back into the United States to be tendered on contracts in New York, and we want these exchanges so regulated that they will sell spinnable cotton, and so that a spinner can get what he contracts for at the exchange, and I want this commission to report on the amount and the character of cotton on hand at these exchanges.

There is another thing, Mr. President. If these confusing figures stand, you will see a cotton famine this fall, because if the producer believes that there are 5,000,000 bales of old cotton in the United States, and he is already holding a good deal of the crop made last year—if he believes that, you will see the smallest crop produced this year that has been produced in the United States in the last 30 or 40 years, and there will be a cotton famine in the country this fall. The producer is entitled to these facts, the spinner is entitled to these facts, the public ought to know the truth, and that is the purpose of this resolution.

I will not take any more of the time of the Senate this morning. I am sincerely in favor of the adoption of this resolution.

Mr. HARRIS. Mr. President, I have been absent from the Senate attending the meetings of the Appropriations and Immigration Committees and did not hear the statements of the Senators in regard to the cotton situation. There has been great complaint among the cotton growers, and I have taken up the matter of a special census with the Director of the Census on several occasions. I ask to be placed in the Record a letter to me from Hon. Thomas J. Shackelford, of Athens, counsel of the American Cotton Association, regarding the amount of low-grade cotton in existence, and the letter from the Director of the Census to me commenting on Mr. Shackelford's letter.

One of the injustices being done the farmer is the great difference in the prices of various grades of cotton, which is beyond all reason. The farmers are losing large sums on account of these unreasonable proportions in the grades. I ask that a letter to me from Hon. William H. Burwell, of Sparta, Ga., commenting on the situation and giving the figures be placed in the Record. I have taken the matter up with the Agricultural Department.

There being no objection, the letters referred to were ordered to be printed in the Record, as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, February 8, 1921.

MY DEAR SENATOR: I am in receipt of your letter of the 4th instant transmitting a communication from Mr. Thomas J. Shackelford, general counsel of the American Cotton Association, in which he urges that the Census Bureau make an accurate count of all cotton in America, show where it is located, who owns it, and what the grades are.

Similar letters from Mr. J. S. Wannamaker, president of the American Cotton Association, have been referred to the bureau by a number of the Senators from the cotton States, including yourself. In our reply of January 15 to that letter, it was pointed out that warehousemen are not, as a rule, in position to furnish reliable data as to the grades and classes of cotton stored in their respective warehouses, and that as a result the information which the Census Bureau might attempt to collect from them could not and would not be accurate, and might be misleading. As stated further in that letter, it is the province of the bureau to collect accurate data concerning the ginning, consumption, and stocks of cotton, and that the compilation of estimates would tend to discredit the cotton statistics which are now being compiled by us.

Your attention is again called to my suggestion contained in letter of January 15 for the grading and classing of all cotton entering interstate or foreign commerce. I believe that a law requiring this would at the end of a few years meet with the general approval of all factors in the cotton industry.

Having been Director of the Census, you are, of course, familiar with the cotton statistical work of the bureau and of the care exercised in conducting this branch of the bureau's activities. With this knowledge I believe you will agree with me that our entrance in the realm of conjecture and estimate is not desirable.

Very truly, yours,

SAM. L. ROGERS,
Director.

Hon. WILLIAM J. HARRIS,
United States Senate, Washington, D. C.
P. S.—Mr. Shackelford's letter is returned herewith.

ATHENS, GA., January 31, 1921.

Senator W. J. HARRIS,
Washington, D. C.

DEAR SENATOR: The argument that there is a large carry-over crop is being used in some sections to induce the farmer to cut his acreage, but the bears are also using it to depress the price of cotton.

I am inclosing to you herewith some figures from Dr. Bradford Knapp in reference to the carry-over crop. I can not help but believe that these figures are wrong. The spinners of the world told us in New Orleans in October, 1919, when it was claimed that there was from three to five million bales carry-over crop, that it was a myth, and there was no carry-over crop, and that the world was staring a cotton famine in the face.

I think this question of a carry-over crop should be settled once and for all time. I have no doubt that there is a large amount of unspinnable cotton accumulated all over America, and that this is being counted in the carry-over crop. This unspinnable cotton has been accumulating for 40 years.

I am writing to ask if you can not have the Census Department to make an accurate count of all the cotton that is in America, show where it is located, who owns it, and what the grades are. I believe that such a census will show that there is but a small amount of white cotton in America compared to our spinning capacity.

Many public speakers are now saying that there is enough cotton already in existence to last for two years, and some are saying that the carry-over crop is from ten to twelve million bales. This carry-over crop has been used for years to beat down the price of cotton. I think now is the time to settle this question forever.

The only way to settle it is to have the Census Department to count the number of bales of cotton, show where it is located, show what the grades are, and publish to the world the number of bales of unspinnable cotton, so that this cotton may never again be included in the carry-over crop.

With best wishes, I am,
Sincerely, yours,

THOS. J. SHACKELFORD.

SPARTA, GA., February 1, 1921.

Hon. W. J. HARRIS,
Washington, D. C.

DEAR SENATOR: Warehousemen, bankers, and farmers in this locality are very much aroused over the excessive differentials now fixed for the several grades of cotton, and a number of them have requested me to write you, calling your attention to the matter and beg that you take some immediate action to remedy the condition, if possible.

Quoting from the Augusta Chronicle of January 31, 1921, you find the differences of the several grades of cotton as follows:

	Cents per pound.
Middling fair.....	14.75
Strict good middling.....	16.25
Good middling.....	15.75
Strict middling.....	15.00
Middling.....	13.75
Strict low middling.....	11.75
Low middling.....	9.00
Strict good ordinary.....	8.00
Good ordinary.....	6.50
YELLOW TINGED.	
Strict good middling.....	13.00
Good middling.....	12.25
Strict middling.....	11.25
Middling.....	10.25
Strict low middling.....	8.25
Low middling.....	6.25
YELLOW STAINS.	
Good middling.....	11.25
Strict middling.....	10.25
Middling.....	8.25
BLUE STAINS.	
Good middling.....	8.75
Strict middling.....	6.75
Middling.....	5.75

By reference to this you will see middling cotton is quoted at 13.75. The next grade below—strict low middling—is 11.75, or a difference of 2 cents in one single grade; and low middling, the next grade down, is 9 cents, or 4 1/2 cents difference between middling.

From the best information there is the very slightest difference between middling and strict low middling, and not a very marked difference between middling and low middling.

Under these differentials the lower grades of cotton—tinges and stains—are practically unsalable, and, if any market can be found, will bring not more than 4 to 6 cents.

You understand that the boll weevil not only destroys a great quantity of cotton before it matures, but the cotton that actually matures is often tinged or stained, and especially is this so where, in addition to the boll weevil, the cotton is raised on red land. Now, when cotton was 30 to 40 cents per pound, a difference of 2 cents did not amount to very much, but it is outrageous to continue these heavy differentials when cotton is quoted on a basis of 13 cents. There is very little cotton, compared with the total crop, that will grade above middling, and you therefore see that if this practice is not discontinued the tremendous loss it will mean to the South.

Our information is that these differentials are fixed in Washington or, possibly, in New York, but in any event there should be some remedy and some way to correct this evil of arbitrarily depreciating the large bulk of the entire cotton crop.

Trusting that you can do something to remedy the matter, I am,
with very kindest regards,
Yours, very sincerely,

W. H. BURWELL.

SPARTA, GA., February 2, 1921.

Hon. WM. J. HARRIS,
Washington, D. C.

MY DEAR SENATOR: Since writing you yesterday the warehouse here has furnished me with the differentials in the Augusta market on January 31, 1914, and January 31, 1916, and I am giving you these for comparison with the outrageous differences that are now made.

You will note in the differentials now between middling and strict low middling is 2 cents. In 1914, when middling cotton was quoted at 13 $\frac{1}{2}$, strict low middling was 13 $\frac{1}{2}$, or only one-fourth cent difference, against a difference now of 2 cents. Low middling, 12 $\frac{1}{2}$, or a difference of seven-eighths of a cent, against a present difference of 7 cents.

Nineteen hundred and sixteen middling was quoted at 11.50; strict low middling, 11.13, or 0.37 cent, or three-eighths cent difference; low middling, 10.75, or three-fourths cent difference.

I wrote a similar letter to Senator SMITH and Congressman VINSON to the one I wrote you yesterday, and I beg that you show Senator SMITH and Congressman VINSON these original quotations, and see if there is not something that can be done at once. These differences are simply criminal and are robbing the South of millions of dollars.

With kindest regards, I am,

Yours, very sincerely,

W. H. BURWELL.

Daily market letter, Augusta, Ga.

NEW YORK MARKET.

Months.	Opening.	High.	Low.	Close.
	Cents.	Cents.	Cents.	Cents.
March.....	12.31	12.34	12.26	12.32-12.33
May.....	12.10	12.11	12.03	12.08-12.09
July.....	12.01	12.05	11.96	12.02
October.....	11.50	11.53	11.45	11.50-11.51

Tone steady.

AUGUSTA MARKET.

Good middling.....	13 $\frac{1}{2}$	Receipts.....	1,411
Strict middling.....	13 $\frac{1}{2}$	Last year.....	626
Middling.....	13 $\frac{1}{2}$	Stock.....	85,218
Last year.....	12 $\frac{1}{2}$	Last year.....	94,081
Strict low middling.....	13 $\frac{1}{2}$	Sales.....	908
Low middling.....	12 $\frac{1}{2}$	Tone.....	Quiet.
Strict good ordinary.....	11 $\frac{1}{2}$	Demand.....	Fair.

REMARKS.

Although Liverpool was four points better than due this morning, New York did not seem inclined to meet the advance, opening only at an advance of three to five points. The ring crowd in New York were inclined to be bearish, although all offerings were absorbed by the large "spot" interest, and prices closed steady at an advance of four to six points.

We still adhere to the belief that until there is decidedly more weakness in "spots" we will see higher prices.

Yours, very truly,

GARRETT & CALHOUN.

JANUARY 31, 1914.

AUGUSTA, GA., January 31, 1913.

AUGUSTA MARKET.

Middling fair.....	12.25	Strict good ordinary.....	10.25
Strict good middling.....	12.13	Good ordinary.....	9.75
Good middling.....	12.00	Strict middling stains.....	10.75
Strict middling.....	11.75	Middling stains.....	10.25
Middling.....	11.50	Strict middling tinges.....	11.50
Strict low middling.....	11.13	Middling tinges.....	11.13
Low middling.....	10.75		

Receipts 647 to 937.

NEW YORK MARKET.

	Open.	High.	Low.	Close.
	Cents.	Cents.	Cents.	Cents.
March.....	11.77	11.88	11.71	11.73
May.....	12.02	12.10	11.93	11.96
July.....	12.15	12.21	12.05	11.96
October.....	12.18	12.24	12.09	12.10

New York spots, 11.80 to 11.95 cents.

LIVERPOOL MARKET.

Tone, business moderate; prices easier; sales, 7,000; receipts 13,000; American, 13,900. Middling, 7.82 to 7.88. Opened $\frac{1}{2}$ to 1 point down. Closed 12 to 12 $\frac{1}{2}$ down.

DAILY EXPORT.

Great Britain.....	49,703
Continent.....	13,692
All others.....	6,827
Total.....	70,219

Sterling demand, 4.76. Saturday exports amounted to 51,045 and to-day's exports totaled 170,219, the largest for the season. Liverpool cables were disappointing this morning. New York opened 13 to 15 points down in response to the decline made by Liverpool, and continued weak during the day's trading. The close was barely steady 19 to 21 points down. Southern spots are steady and very little cotton offered for sale on the decline.

NEELY & WILCOX.

The resolution (S. Res. 443) submitted by Mr. SMITH of South Carolina was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to make an investigation, to ascertain the amount and grades of cotton and wheat now held in this country, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding \$1.25 per printed page, to report such hearings as may be had in connection therewith, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, on page 2, line 9, after the word "available," to insert "for expenses heretofore and hereafter incurred in the fiscal year ending June 30, 1921," so as to read:

For the survey, resurvey, classification, and allotment of lands in severity under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), entitled "An act to provide for the allotment of lands in severity to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$60,000, reimbursable, to be immediately available for expenses heretofore and hereafter incurred in the fiscal year ending June 30, 1921.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "Indian," to strike out "Reservation" and insert "Reservations," so as to make the heading read:

Irrigation of Indian reservations, reimbursable.

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to insert "Owens River Valley projects, California, \$2,000; Soboba Reservation, Calif., \$750"; in line 15, after the numerals "\$2,500," to insert "Tule River Reservation, Calif., \$5,000"; and in line 16, after the word "total," to strike out "\$35,500" and insert "\$43,250," so as to make the paragraph read:

Irrigation district 4: Ak Chin Reservation, Ariz., \$4,000; Coachella Valley pumping plants, California, \$11,000; Owens River Valley projects, California, \$2,000; Soboba Reservation, Calif., \$750; Morongo Reservation, Calif., \$8,000; Pala Reservation and Rincon Reservation, Calif., \$2,500; Tule River Reservation, Calif., \$5,000; miscellaneous projects, \$10,000; total, \$43,250.

The amendment was agreed to.

The next amendment was, on page 5, line 6, after the word "reservations," to strike out "\$166,750" and insert "\$174,500," so as to read:

In all, for irrigation on Indian reservations, \$174,500, reimbursable as provided in the act of August 1, 1914 (38 Stats. L., p. 582).

The amendment was agreed to.

The next amendment was, on page 5, line 20, to increase the appropriation for the suppression of the traffic in intoxicating liquors among Indians from "\$20,000" to "\$50,000," so as to read:

For the suppression of the traffic in intoxicating liquors among Indians, \$50,000.

The amendment was agreed to.

The next amendment was, on page 6, line 1, after the word "sanatoria," to strike out "\$350,000" and insert "\$415,000," so as to read:

RELIEVING DISTRESS, ETC.

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, \$415,000.

The amendment was agreed to.

The next amendment was, on page 6, line 12, after the name "Montana," to strike out "\$12,500" and insert "\$22,500, of which \$10,000 shall be used for removing said hospital to the Blackfeet Agency," and in line 20, after the name "Arizona," to strike out "\$10,000" and insert "\$15,000," so as to read:

Provided further, That out of the appropriation herein authorized there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfeet Hospital, Montana, \$22,500, of which \$10,000 shall be used for removing said hospital to the Blackfeet Agency; Carson Hospital, Nevada, \$10,000; Cheyenne and Arapahoe Hospital, Oklahoma, \$10,000; Choctaw and Chickasaw Hospital, Oklahoma, \$35,000; Fort Lapwai Sanatorium, Idaho, \$40,000; Laguna Sanatorium, New Mexico, \$17,000; Mesalero Hospital, New Mexico, \$10,000; Navajo Sanatorium, Arizona, \$10,000; Pima Hospital, Arizona, \$15,000; Phoenix Sanatorium, Arizona, \$40,000; Spokane Hospital, Washington, \$10,000; Sac and Fox Sanatorium, Iowa, \$40,000, of which

sum \$5,000 shall be immediately available: Turtle Mountain Hospital, North Dakota, \$10,000; Winnebago Hospital, Nebraska, \$18,000; Crow Creek Hospital, South Dakota, \$8,000; Hoopa Valley Hospital, California, \$10,000; Jicarilla Hospital, New Mexico, \$10,000; Truxton Canyon camp hospital, Arizona, \$10,000; Indian Oasis Hospital, Arizona, \$10,000.

The amendment was agreed to.

The next amendment was, on page 7, line 4, after the numerals "\$10,000," to insert the following additional proviso:

Provided further, That not to exceed \$50,000 of this appropriation may be used for medical and health work among the restricted Indians in the Five Civilized Tribes, including salaries of physicians, field matrons, and other employees, equipment, rent of quarters, medical and surgical supplies, and such other expenses as may be necessary, and not to exceed \$5,000 of this amount may be used for purchase of motor-propelled and horse-drawn passenger-carrying vehicles for use of the physicians and other employees herein authorized.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "therewith," to strike out "\$1,600,000" and insert "\$1,700,000," so as to read:

For support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, \$1,700,000.

The amendment was agreed to.

The next amendment was, after page 9, to insert:

INDUSTRIAL WORK AND CARE OF TIMBER.

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$460,000, of which sum not less than \$75,000 shall be used for the employment of field matrons: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed \$15,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912.

The amendment was agreed to.

The next amendment was, on page 11, line 18, to decrease the appropriation for telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington from "\$7,500" to "\$7,000."

The amendment was agreed to.

The next amendment was, on page 11, line 25, after the words "public lands," to strike out "\$800" and insert "\$600," so as to read:

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by the United States local land officers to determine the rights of Indians to public lands, \$600.

The amendment was agreed to.

The next amendment was, on page 12, after line 5, to insert:

PAY OF INDIAN POLICE.

For pay of Indian police, including chiefs of police at not to exceed \$50 per month each and privates at not to exceed \$30 per month each, to be employed in maintaining order, for purchase of equipments and supplies, and for rations for policemen at nonration agencies, \$200,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 11, to insert:

PAY OF JUDGES OF INDIAN COURTS.

For pay of judges of Indian courts where tribal relations now exist, \$7,000.

The amendment was agreed to.

The next amendment was, on page 13, line 2, after the word "appropriation," to strike out the word "shall" and insert "may," so as to read:

That \$7,500 of this appropriation may be used for continuing the work of the Competency Commission to the Five Civilized Tribes of Oklahoma.

The amendment was agreed to.

The next amendment was, on page 13, line 4, after the word "Oklahoma," to strike out:

Provided, That not to exceed \$15,000 of the amount herein appropriated may be expended out of applicable funds in the work of determining the competency of Indians on Indian reservations outside of the Five Civilized Tribes in Oklahoma.

The amendment was agreed to.

The next amendment was, on page 13, line 8, to insert the following proviso:

Provided further, That not exceeding \$3,000 of this amount shall be immediately available for the purchase of a bookkeeping machine with incidental equipment and supplies in the Office of Indian Affairs: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay for certain law books purchased for the Office of Indian Affairs at an expense of \$488.70, from the appropriation for general expenses of the Indian Service for the fiscal year ending June 30, 1921.

Mr. HARRISON. Mr. President, may I ask the Senator from Kansas, who is in charge of the bill, a question? I notice that a number of items in the bill, which have been carried heretofore, are added by the Senate committee, but were not carried by the House. Why is that?

Mr. CURTIS. Some of the items have been carried in the Indian appropriation bill for over 30 years, but they were stricken out under the rules of the House by reason of points of order being made on the floor. However, they are items that should go into the bill. As the Senator knows, under the rules of the House an item in an appropriation bill may be stricken out if there is no permanent law authorizing it. That rule does not apply in the Senate. All the items referred to were estimated for.

Mr. HARRISON. So it was just because some Member of the House had everything stricken out where a point of order would lie?

Mr. CURTIS. That is it.

Mr. HARRISON. And those items must be inserted in the Senate?

Mr. CURTIS. That is true.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 13, line 19, to increase the number of Indian Service inspectors from "four" to "six."

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to insert:

INDUSTRY AMONG INDIANS.

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$100,000, or so much thereof as may be necessary, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1930: *Provided further*, That not to exceed \$20,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians, and that no part of this appropriation shall be used for the purchase of tribal herds.

The amendment was agreed to.

The next amendment was, on page 15, after line 18, to insert:

SUPPRESSING CONTAGIOUS DISEASES AMONG LIVE STOCK OF INDIANS.

For reimbursing Indians for live stock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, \$20,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 2, to insert:

DEVELOPING WATER FOR INDIAN STOCK.

For improving springs, drilling wells, and otherwise developing and conserving water for the use of Indian stock, including the purchase, construction, and installation of pumping machinery, tanks, troughs, and other necessary equipment, and for necessary investigations and surveys, for the purpose of increasing the available grazing range on unallotted lands on Indian reservations, \$40,000, to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the necessity exists on any Indian reservation so far as the Indians themselves are concerned.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

That the provisions of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, shall also apply to unallotted lands within Indian reservations whenever such lands, or such portions thereof as the Secretary of the Interior may determine, are declared by the said Secretary to be subject to exploration for and disposition of said minerals, in the form and manner provided by said act, except that such lands may only be leased and patents shall not be issued for the same, and except that all moneys received from royalties and rentals from such lands shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their benefit, unless otherwise provided by treaty or agreement ratified by Congress: *Provided*, That such moneys shall be subject to the laws authorizing the pro rata distribution of Indian tribal funds: *Provided*, That the Secretary of the Interior is hereby authorized, in his discretion, to lease unallotted Indian lands containing deposits of potassium, asbestos, precious stones, and other nonmetalliferous minerals under such terms and conditions not inconsistent with such act, as the said Secretary may determine and announce by general regulations as best adapted to the development of such minerals: *Provided*, That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with the provisions hereof

as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions hereof into full force and effect: *Provided*, That the above provisions shall not apply to the Five Civilized Tribes and Osage Nation of Indians in Oklahoma: *And provided further*, That the provisions hereof shall also extend to all Indian residents of the United States, citizens or non-citizens, whom the Secretary of the Interior shall find competent to transact business, and the Secretary is hereby authorized to make leases to such Indians under such rules and regulations as he may prescribe.

Mr. CURTIS. The Senator from Arizona has a substitute to offer for that amendment. I may state that the text of this amendment was put in by mistake and the Senator from Arizona has an amendment which should be substituted for it.

Mr. ASHURST. I present it, and ask that the Secretary may read the amendment.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. Strike out lines 24 and 25, on page 16; strike out all of page 17 and lines 1 to 13, inclusive, on page 18; and in lieu thereof insert the following:

That section 26 of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920," approved June 30, 1919 (Public, No. 3, 66th Cong.), be amended as follows:

"That wherever the term 'metalliferous' is used in said section 26 of the above-entitled act, it shall hereafter be defined and construed by the Secretary of the Interior to include magnesite, gypsum, limestone, and asbestos."

The amendment to the amendment in the nature of a substitute was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 18, after line 13, to insert:

That the restricted allotment of any Indian may be leased for farming and grazing purposes by the allottee or his heirs, subject only to the approval of the superintendent or other officer in charge of the reservation where the land is located, under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 20, line 18, after the name "New Mexico," to strike out "\$35,000" and insert "\$50,000," so as to read:

For continuing the development of a water supply for the Navajo and Hopi Indians on the Moqui Reservation, and the Navajo, Pueblo Bonito, San Juan, and Western Navajo subdivisions of the Navajo Reservation in Arizona and New Mexico, \$50,000, reimbursable out of any funds of said Indians now or hereafter available.

The amendment was agreed to.

The next amendment was, on page 21, line 16, before the words "of any tribal funds" to strike out "\$8,500" and insert "\$8,000"; and in line 18, after the name "Arizona," to insert "to be immediately available," so as to read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$8,000 of any tribal funds on deposit to the credit of the Indians of the Fort Apache Reservation in Arizona, to be immediately available, and to expend the same, in connection with the sum of \$7,500 of the funds appropriated in this act for Indian school and agency buildings, for completing the reconstruction, repair, and improvement of the power plant and irrigation system on the Fort Apache Indian Reservation, Ariz., as provided for in the act of June 30, 1919 (41 Stat. L., p. 11).

The amendment was agreed to.

The next amendment was, on page 22, line 12, after the numerals "1916," to strike out "\$100,000" and insert "\$75,000, to be immediately available," so as to read:

For continuing the construction of the necessary canals and structures to carry the natural flow of the Gila River to the Indian lands of the Gila River Indian Reservation and to public and private lands in Pinal County, reimbursable as provided in the Indian appropriation act approved May 18, 1916, \$75,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

Provided, however, That not exceeding \$50,000 of the appropriations available for the construction of this project may be used in the purchase of such land, rights of way, constructed or partly constructed canals, and other physical properties deemed necessary by the Secretary of the Interior in connection with such project.

The amendment was agreed to.

The next amendment was, on page 22, after line 18, to insert:

For an investigation by the Secretary of the Interior of the conditions with respect to the necessity of constructing a bridge across the Colorado River at or near Lees Ferry, Ariz., \$1,000, or so much thereof as may be necessary for the purpose, and the said Secretary is hereby authorized and directed to cause surveys, plans, and reports to be made, together with an estimated limit of the cost of said bridge, and to submit same to Congress as soon as possible, with his recommendation as to what proportionate part of the cost of the construction of said bridge, if any, shall be paid by the United States.

The amendment was agreed to.

The next amendment was, on page 23, after line 3, to insert:

To provide for water rights for the irrigation of 631 Salt River allotments of 10 acres each, as authorized by the act of May 18, 1916 (39 Stat. L., p. 130), the sum of \$65,000, appropriated by said act of May 18, 1916, and the acts of March 2, 1917 (39 Stat. L., p. 975), May 25, 1918 (40 Stat. L., p. 569), and June 30, 1919 (41 Stat. L., p. 10), is hereby reappropriated and shall remain available until expended.

The amendment was agreed to.

The next amendment was, on page 23, after line 13, to insert:

The Secretary of the Interior is hereby authorized to sell and convey at the appraised value of same at the time of sale the land and buildings known as United States Indian day school, located in the southwestern part of the city of Tucson, to school district No. 1, Pima County, Ariz., for use as a public school: *Provided*, That Indian children residing in that district shall be received therein at all times on equal terms with white children.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

For the completion of the approaches to the bridges over the Little Colorado and Canyon Diablo Rivers, near the Leupp Indian Agency, Ariz., \$5,000, or so much thereof as may be necessary, reimbursable from the tribal funds of the Navajo Indians.

The amendment was agreed to.

The next amendment was, on page 24, after line 3, to insert:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, \$10,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 25, after line 8, to insert:

For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, \$10,000, reimbursable to the United States by the Indians having tribal rights on said reservation.

The amendment was agreed to.

The next amendment was, on page 25, line 16, to increase the appropriation for the relief of distress among the Seminole Indians in Florida and for purposes of their civilization and education, etc., from "\$5,000" to "\$8,000," so as to read:

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida and for purposes of their civilization and education, \$8,000, including the construction and equipment of necessary buildings.

The amendment was agreed to.

The next amendment was, on page 25, line 23, to increase the appropriation for improvement, maintenance, and operation of the Fort Hall irrigation system, Idaho, from "\$50,000" to "\$60,000."

The amendment was agreed to.

The next amendment was, on page 25, at the end of line 23, to insert the following proviso:

Provided, That all appropriations made for irrigation work on the Fort Hall Reservation are hereby declared to be reimbursable, on a per-acre basis, against the lands benefited, regardless of ownership, under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 26, after line 11, to insert:

IOWA.

SEC. 5a. For the construction, maintenance, and operation of a drainage system for lands of the Sac and Fox Indians in Iowa, \$10,000: *Provided*, That any moneys expended for this purpose shall be reimbursed out of any funds in the Treasury of the United States to the credit of the said Sac and Fox Indians: *Provided further*, That the Secretary of the Interior is hereby authorized to enter into agreements, or make other suitable arrangements, with owners of adjacent lands benefited by the construction of such drainage system as will insure from such owners payment, on a per acre basis, of a proportionate part of the construction, operation, and maintenance of said drainage system.

The amendment was agreed to.

The next amendment was, on page 27, under the heading of "Kansas," in line 5, after the numerals "\$20,000," to insert "for new heating, power, ice, and electric plant, \$75,000; for repairs and construction of drain, ditches, and dikes on the Haskell School farm, \$18,000, to be immediately available and to remain available until expended"; and in line 9, after the words "in all," to strike out "\$172,600" and insert "\$265,600," so as to read:

KANSAS.

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, \$152,600; for general repairs and improvements, \$20,000; for new heating, power, ice, and electric plant, \$75,000; for repairs and construction of drain, ditches, and dikes on the Haskell School farm, \$18,000, to be immediately available and to remain available until expended; in all, \$265,600.

The amendment was agreed to.

The next amendment was, on page 27, under the heading of "Minnesota," in line 20, after the numerals "\$8,000," to insert "for water supply, including laying of pipe line to connect with water system of city of Pipestone, \$8,000," and in line 22, after the words "in all," to strike out "\$54,650" and insert "\$62,650," so as to read:

MINNESOTA.

SEC. 8. For support and education of 200 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, \$46,650; for general repairs and improvements, \$8,000; for water supply, including laying of pipe line to connect with water system of city of Pipestone, \$8,000; in all, \$62,650.

The amendment was agreed to.

The next amendment was, on page 28, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of \$10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Red Lake Band of Chippewa Indians in the State of Minnesota, and to expend the same in the construction of roads and bridges on the Red Lake Indian Reservation, in said State, including the purchase of material, equipment, and supplies, and the employment of labor: *Provided*, That Indian labor shall be employed as far as practicable.

The amendment was agreed to.

The next amendment was, on page 29, line 20, after the word "support," to strike out "of one or more," so as to read:

The Secretary of the Interior is authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for promoting civilization and self-support among the said Indians exclusively for the purposes following: Not exceeding \$45,000 of this amount may be expended for general agency purposes at the White Earth, Red Lake, and Leech Lake Agencies; not exceeding \$20,000 may be expended, under the direction of the Secretary of the Interior, in aiding in the construction, equipment, and maintenance of additional public schools in connection with, and under the control of, the public-school system of the State of Minnesota, said additional school buildings to be located at places contiguous to Indian children who are now without proper public-school facilities, said amount to be immediately available; not exceeding \$15,000 may be expended in aiding indigent Chippewa Indians upon the condition that any funds used in support of a member of the tribe shall be reimbursed out of and become a lien against any individual property of which such member may now or hereafter become seized or possessed, and the Secretary of the Interior shall annually transmit to Congress at the commencement of each regular session a complete and detailed statement of such expenditures, the two preceding requirements not to apply to any old, infirm, or indigent Indian, in the discretion of the Secretary of the Interior; not exceeding \$20,000 may be expended for the support of the Indian hospitals at Fond du Lac, White Earth, and Red Lake, Minn.

The amendment was agreed to.

The next amendment was, on page 29, line 21, to insert the following proviso:

Provided, That the Secretary of the Interior is authorized, as soon as practicable, to turn over to the proper authorities of the State of Minnesota all hospital plants and equipment now or previously used in connection with the Chippewa Indian service the use of which is, or may hereafter become, unnecessary in connection with said service, conditioned upon said State first giving satisfactory assurance that said property will at all times be maintained and used by said State for public purposes and that the Chippewa Indians shall at all times be admitted to all State institutions upon the same terms as citizens of said State.

The amendment was agreed to.

The next amendment was, on page 30, after line 7, to insert:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$5,200, or so much thereof as may be necessary, from the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, and to use the same for payment to school district No. 6, Itasca County, Minn., for tuition of Chippewa Indian children attending school in said district during the fiscal year commencing with the year ended June 30, 1914, and ending June 30, 1920, inclusive.

The amendment was agreed to.

The next amendment was, on page 30, after line 18, to insert:

That the Secretary of the Interior be, and he hereby is, authorized and directed to withdraw from the fund in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota according to the provisions of the act of May 18, 1916 (39 Stat. L., p. 137), a sufficient sum to pay per capita to the members of the Red Lake Band of Chippewa Indians of the State of Minnesota living at the date of the passage of this act the sum of \$50, this appropriation to be immediately available.

The amendment was agreed to.

The next amendment was, on page 32, line 12, after the word "employees," to strike out "\$50,000" and insert "\$75,000, of which sum \$25,000 shall be immediately available," so as to read:

For support and civilization of Indians at Blackfeet Agency, Mont., including pay of employees, \$75,000, of which sum \$25,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 33, line 7, after the word "employees," to strike out "\$8,000" and insert "\$7,000," so as to read:

For the support and civilization of the Rocky Boy Band of Chippewas and other indigent and homeless Indians in the State of Montana, including pay of employees, \$7,000.

The amendment was agreed to.

The next amendment was, on page 33, line 11, after the name "Montana," to strike out "\$200,000" and insert "\$250,000," so as to read:

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, \$250,000 (reimbursable), to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 33, line 14, after the word "For," to strike out "continuing construction, maintenance," and insert "maintenance," and in line 16, after the name "Montana," to strike out "\$40,000" and insert "\$20,000," so as to read:

For maintenance and operation of the irrigation systems on the Fort Peck Indian Reservation, in Montana, \$20,000 (reimbursable).

The amendment was agreed to.

The next amendment was, on page 33, line 20, to increase the appropriation for continuing the construction, maintenance, and operation of the irrigation systems on the Blackfeet Indian Reservation, Mont., from "\$30,000" and insert "\$50,000."

The amendment was agreed to.

The next amendment was, on page 34, line 8, after the words "Secretary of the Interior," to strike out:

Of said appropriation of \$200,000 the sum of \$150,000 shall be available for construction of a diversion dam on the Big Horn River, and \$50,000 for maintenance and operation of said irrigation systems.

Mr. MYERS. Mr. President, I will ask the chairman of the committee, if I may have his attention, what is the object of the amendment proposing to strike out of the bill the provision in lines 8, 9, 10, and 11, on page 34? It has been represented to me that that provision is very necessary, and I should like to know the committee's reason for proposing to strike it out.

Mr. CURTIS. The Assistant Commissioner of Indian Affairs advised us that it was not necessary to specify how the appropriation should be allotted; that the department could use the \$200,000 for all necessary purposes. I will state to the Senator from Montana that the matter will go to conference, and if there is any doubt about it the item can be restored.

Mr. MYERS. Does the Assistant Commissioner of Indian Affairs think that a sufficient sum may be used from the appropriation of \$200,000 to provide for the construction of the dam on the Big Horn River and to provide for maintenance and operation of the irrigation systems mentioned, and that it would be done without this provision?

Mr. CURTIS. He thinks that it is sufficient to cover any expenditure which may be necessary.

Mr. MYERS. He thinks, does he, that whatever expenditure may be necessary for these purposes will be covered by the appropriation of \$200,000 and will be made without a special provision being made for the work?

Mr. CURTIS. That is as I understand the matter. I repeat, if there is any doubt about it, we shall correct it in conference.

Mr. MYERS. I thank the Senator for his explanation and trust he may give the matter adequate attention in conference, and I am sure he will. I do not wish this matter neglected. It is a matter of importance.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 34, after line 11, to insert:

For the purpose of enabling the Secretary of the Interior to settle all unpaid claims against the United States Government to funds derived from sale of patented Indian lands in the Bitter Root Valley, Mont., under the provisions of the act of March 2, 1889 (25 Stat. L., 871), entitled "An act to provide for the sale of lands patented to certain members of the Flathead Band of Indians in Montana Territory, and for other purposes," \$1,124.67, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 34, after line 20, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to school district No. 9 of Glacier County, Mont., for block 35 in Browning town site in the former Blackfeet Indian Reservation, upon filing its application therefor, said block to be used and maintained for public-school purposes: *Provided*, That Indian children shall at all times be received in the school maintained on said block 35 for public-school purposes on equal terms with white children.

The amendment was agreed to.

The next amendment was, on page 35, after line 3, to insert:

For the construction of that portion of the highway from Yellowstone National Park to Glacier National Park within the Blackfeet Indian Reservation, Mont., \$25,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 35, line 19, after the numerals "\$12,000," to insert "for dining room and kitchen, \$24,000; for improvement of domestic water supply and irrigation system, \$5,000"; and in line 21, after the words "in all," to strike out "\$94,000" and insert "\$123,000," so as to read:

For support and education of 400 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, \$82,000; for general repairs and improvements, \$12,000; for dining room and kitchen, \$24,000; for improvement of domestic water supply and irrigation system, \$5,000; in all \$123,000.

The amendment was agreed to.

The next amendment was, on page 36, line 5, after the name "Nevada," to strike out "\$10,000" and insert "\$8,000," so as to read:

For reclamation and maintenance charges on lands allotted to Paiute Indians within the Truckee-Carson project, Nevada, \$8,000, reimbursable from any funds of the Indians now or hereafter available.

Mr. PITTMAN. Mr. President, I should like to ask the chairman of the committee the reason for reducing the appropriation in line 5, page 36, from \$10,000 to \$8,000.

Mr. CURTIS. We had the Assistant Commissioner of Indian Affairs before us and he stated that \$8,000 was all the department needed for the purpose at this time. It was the desire of the committee to give the amount necessary in each instance, and we were advised by the department that the sums here proposed to be appropriated would be sufficient for the purpose. There are only 1,431 acres being irrigated, as the Senator from Nevada probably knows.

Mr. PITTMAN. Very well.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 36, line 14, after the numerals "\$8,000," to insert "to be immediately available, and the amount of \$7,000 heretofore appropriated for this purpose shall be available until expended; for girls' dormitory, \$40,000;" and, in line 17, after the words "in all," to strike out "\$120,400" and insert "\$160,400," so as to read:

For support and education of 500 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, \$102,400; for general repairs and improvements, \$10,000; for enlarging and improving sewer system, \$8,000, to be immediately available, and the amount of \$7,000 heretofore appropriated for this purpose shall be available until expended; for girls' dormitory, \$40,000; in all, \$160,400.

The amendment was agreed to.

The next amendment was, on page 36, line 21, after the numerals "\$3,000," to insert "for purchase of additional land for school purposes, \$3,500;" and, in line 22, after the words "in all," to strike out "\$93,400" and insert "\$96,900," so as to read:

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, \$82,400; for general repairs and improvements, \$8,000; for water supply, \$3,000; for purchase of additional land for school purposes, \$3,500; in all, \$96,900.

The amendment was agreed to.

The next amendment was, on page 36, line 26, after the name New Mexico, to strike out "\$10,000" and insert "\$8,000," so as to read:

For continuing the reconstruction and for operation and maintenance of the irrigation system for the Laguna Indians in New Mexico, \$8,000, reimbursable by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 37, line 8, before the word "road," to insert "continuing," so as to read:

For continuing road and bridge construction on the Mescalero Indian Reservation, in New Mexico, including the purchase of material, equipment, and supplies; the employment of labor; and the cost of surveys, plans, and estimates, if necessary, \$15,000, to be reimbursed from any funds of the Indians of said reservation now or hereafter on deposit in the Treasury of the United States: *Provided*, That Indian labor shall be employed as far as practicable.

The amendment was agreed to.

The next amendment was, on page 37, at the end of line 21, before the word "reimbursable," to strike out "\$6,500" and insert "\$5,000," so as to read:

To enable the Secretary of the Interior to provide for the drainage of Pueblo Indian land in the Rio Grande Valley, N. Mex., in connection with operations for the drainage of lands in white ownership, in accordance with the provision contained in section 13 of the act approved February 14, 1920 (41 Stat. L., p. 423), \$5,000, reimbursable in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 37, after line 23, to insert:

For construction, operation, and maintenance of an irrigation system for the Indians of the San Juan Pueblo in New Mexico, \$15,000, reimbursable under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

For improvement, operation, and maintenance of the Hogback irrigation project on that part of the Navajo Reservation in New Mexico under the jurisdiction of the San Juan Indian School, \$8,000, reimbursable under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to insert:

For painting and repairing the steel bridges across the Rio Grande at Isleta and San Felipe, under the southern pueblo jurisdiction, New Mexico, which said bridges were constructed from an appropriation contained in the Indian act for the fiscal year 1912 (36 Stat. L., p. 1062), \$8,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 11, to insert:

For the construction of one of the approaches to the steel bridge across the San Juan River at Farmington, N. Mex., which said approach has been destroyed by high water, the bridge having been originally constructed with an appropriation of \$25,000 made by the act of February 20, 1917 (39 Stat. L., p. 926), \$6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 38, after line 18, to insert:

For construction and repair of buildings for school purposes for the Pueblo Indians of New Mexico, \$45,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 20, to insert:

The Secretary of the Interior is hereby authorized in his discretion, under rules and regulations to be prescribed by him, to accept reconveyances to the Government of privately owned and State school lands, and relinquishments of valid homestead entries or other filings, including Indian allotment selections, within any township of the public domain in San Juan, McKinley, and Valencia Counties, N. Mex., and to permit lieu selections by those surrendering their rights so that the holdings of any claimant within any township wherein such reconveyances or relinquishments are made may be consolidated and held in solid areas: *Provided*, That the title or claim of any person who refuses to reconvey to the Government shall not be hereby affected.

The amendment was agreed to.

Mr. CURTIS. At this point I desire to offer an amendment which was adopted by the Committee on Indian Affairs but which by mistake was omitted, to come in before the amendment just adopted.

The VICE PRESIDENT. The amendment offered by the Senator from Kansas will be stated.

The ASSISTANT SECRETARY. On page 38, after line 20, it is proposed to insert:

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, \$3,000, or so much thereof as the Secretary of the Interior may deem necessary.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 39, line 18, under the heading of "North Carolina," after the numerals "\$10,000," to insert "for additions to girls' and boys' dormitories, \$20,000;" and in line 19, after the words "in all," to strike out "\$50,000" and insert "\$70,000," so as to read:

Sec. 15. For support and education of 200 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$40,000; for general repairs and improvements, \$10,000; for additions to girls' and boys' dormitories, \$20,000; in all, \$70,000.

The amendment was agreed to.

The next amendment was, on page 40, line 3, after the word "employees," to strike out "\$13,000" and insert "\$16,000," so as to read:

For support and civilization of Turtle Mountain Band of Chippewas, N. Dak., including pay of employees, \$16,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 7, to insert the following proviso:

Provided, That not exceeding \$6,000 of the amount reappropriated by the Indian appropriation act of May 25, 1918 (40 Stat. L., p. 577), for employees' quarters may, in the discretion of the Secretary of the Interior, be used for the purchase of the Baker cottage and lands adjoining the Bismarck Indian School grounds.

The amendment was agreed to.

The next amendment was, on page 42, line 6, after the numerals "\$15,000," to insert "for new buildings and additions to and remodeling of present buildings, \$75,000;" and, in line 7, after the words "in all," to strike out "\$109,600" and insert "\$184,600," so as to read:

For support and education of 550 Indian pupils at the Indian school at Chillicothe, Okla., including pay of superintendent, \$94,600; for general repairs and improvements, \$15,000; for new buildings and additions to and remodeling of present buildings, \$75,000; in all, \$184,600.

The amendment was agreed to.

The next amendment was, on page 43, line 10, after the words "The sum of," to strike out "\$75,000" and insert "\$100,000," so as to read:

The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated out of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma for the support of the Osage Agency and pay of tribal officers, the tribal attorney and his stenographer, and employees of said agency.

The amendment was agreed to.

The next amendment was, on page 43, after line 15, to insert the following proviso:

Provided, That \$20,000 of the amount herein appropriated shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 43, line 18, before the words "thousand dollars," to strike out "Fifty" and insert "Fifty-five," so as to read:

Fifty-five thousand dollars of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma is hereby appropriated for necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles.

The amendment was agreed to.

The next amendment was, at the top of page 44, to insert:

That the provision in the Indian appropriation act for the fiscal year ending June 30, 1921, authorizing the expenditure of not exceeding \$50,000 from unexpended Osage tribal funds heretofore appropriated for construction of a fireproof office building for Osage Agency is hereby amended to provide that not exceeding \$100,000 of such unexpended Osage tribal funds may be used in the construction of such fireproof building, including the removal of the present office building and rearrangement of the interior of same for employees' quarters, said amount to be immediately available.

The amendment was agreed to.

The next amendment was, on page 44, after line 17, to insert:

The Secretary of the Interior is authorized to withdraw from the Treasury of the United States the sum of \$45,000 of the funds on deposit to the credit of the Osage Tribe of Indians and to expend the same in the construction of six employees' cottages, said sum to be immediately available.

The amendment was agreed to.

The next amendment was, on page 44, after line 22, to insert:

That the provisions contained in the Indian appropriation act approved March 2, 1917 (39 Stat. L., p. 983), authorizing the use of \$5,000 of Osage tribal funds for appraisal of lands in Osage County, Okla., for the purpose of adjustment and settlement of claims for or on behalf of any Osage Indian with respect to assessment theretofore or thereafter made, is hereby amended to provide that an additional sum of not exceeding \$17,500 is hereby appropriated from Osage tribal funds for the purpose of employing expert accountants, clerks, and special attorneys, under the direction of the Department of Justice, in pending suits in the Federal courts on behalf of Osage Indians in connection with such assessments, such amounts, or so much thereof as may be necessary, to be expended in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 45, after line 12, to insert:

For continuing the relief and settlement of the Apache Indians lately confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, \$42,500, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available.

The amendment was agreed to.

The next amendment was, on page 46, line 13, to increase the appropriation for salaries and expenses of attorneys and other employees engaged in probate matters affecting restricted allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, etc., from "\$50,000" to "\$60,000."

The amendment was agreed to.

The next amendment was, on page 46, line 19, after the numerals "\$8,000," to insert "for dining hall and equipment, \$40,000," and in line 20, after the words "in all," to strike out "\$53,000" and insert "\$93,000," so as to read:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$45,000; for repairs and improvements, \$8,000; for dining hall and equipment, \$40,000; in all, \$93,000.

The amendment was agreed to.

Mr. HARRISON. Mr. President, at the end of line 26, on page 48, I desire to offer an amendment as a new paragraph.

The VICE PRESIDENT. We are considering committee amendments now under an order of the Senate.

Mr. HARRISON. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 50, line 5, after the numerals "\$25,000," to insert: "for heating plant, \$40,000; for boys' dormitory, \$70,000"; and in line 6, after the words "in all," to strike out "\$147,400" and insert "\$257,400," so as to read:

For support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, \$122,400; for general repairs and improvements, \$25,000; for heating plant, \$40,000; for boys' dormitory, \$70,000; in all, \$257,400.

The amendment was agreed to.

The next amendment was, on page 51, line 23, to increase the appropriation for the support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota, etc., from "\$243,000" to "\$300,000."

The amendment was agreed to.

The next amendment was, on page 52, line 2, to increase the total appropriation for the support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota, etc., from "\$350,000" to "\$407,000."

The amendment was agreed to.

The next amendment was, on page 52, line 5, after the word "buildings," to strike out "\$180,000" and insert "\$200,000," so as to read:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, \$200,000, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (19 Stat. L., p. 254).

The amendment was agreed to.

The next amendment was, on page 52, line 10, after the numerals "\$8,000," to strike out "to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe."

The amendment was agreed to.

The next amendment was, on page 52, after line 18, to insert:

TEXAS.

For support of Alabama and Coushatta Indians in Polk County, Tex., \$5,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 13, to insert:

For the aid of the public schools in Uintah and Duchesne County school districts, Utah, \$12,000, to be expended under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That Indian children shall at all times be admitted to such schools on an entire equality with white children.

The amendment was agreed to.

The next amendment was, on page 54, after line 19, to insert:

That the Secretary of the Interior is authorized to convey to the State of Utah all the right, title, and interest which the United States has in and to the bridge across the Duchesne River near the town of Myton, and to convey to the county of Duchesne, in said State, the bridge across the Duchesne River near the town of Duchesne, which said bridges were constructed with appropriations contained in the acts of August 5, 1909 (36 Stat. L., p. 124), and March 3, 1911 (36 Stat. L., p. 1074): *Provided*, That the State of Utah and county of Duchesne consent to this arrangement and agree to at all times in the future maintain, repair, and keep in good condition said bridges, free from all expense to the United States or the Indians of the Uintah and Ouray Reservation in Utah.

The amendment was agreed to.

The next amendment was, on page 56, line 13, after the numerals "\$250,000" to insert "of which sum \$50,000 shall be immediately available," so as to read:

For continuing construction and enlargement of the Wapato irrigation and drainage system, to make possible the utilization of the water supply provided by the act of August 1, 1914 (38 Stat. L., p. 604), for 40 acres of each Indian allotment under the Wapato irrigation project on the Yakima Indian Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of allotted Indian lands on said reservation, \$250,000, of which sum \$50,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in the item to carry out the provisions of the Chippewa treaty of September 30, 1854, on page 58, line 22, to insert the following proviso:

Provided, That, in the discretion of the Commissioner of Indian Affairs, the per capita share of any of said Indians under this appropriation, and under a like appropriation of \$10,000 made for the same purpose in the act approved February 14, 1920, may be paid in cash.

The amendment was agreed to.

The next amendment was, on page 59, commencing at line 1, to insert:

The Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury of the United States the sum of \$180,000, or so much thereof as may be necessary, of the tribal funds of the Menominee Indians of Wisconsin, arising under the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), and to make therefrom a per capita payment or distribution of not to exceed \$100 to said Indians entitled thereto under such rules and regulations as he may prescribe, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 60, line 5, to increase the appropriation for continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, from "\$75,000" to "\$100,000."

The amendment was agreed to.

The next amendment was, on page 60, after line 6, to insert:

For the extension of canals and laterals on the ceded portion of the Wind River Reservation, Wyo., to provide for the irrigation of additional Indian lands and for the Indians' pro rata share of the cost of operation and maintenance of the canals and laterals, \$20,000, reimbursable as provided by existing law.

The amendment was agreed to.

The next amendment was, on page 61, line 4, after the word "exceeding," to strike out "\$1,253,905.30" and insert "\$1,335,740," so as to read:

Sec. 25. That in addition to the Indian tribal and treaty funds, the expenditure of which is specifically authorized elsewhere in this act, and such sums as may be required for equalization of allotments, education of Indian children, per capita and other payments to Indians, reimbursement to the United States of the expenditures from reimbursable appropriations, and expenditures for the Five Civilized Tribes, in accordance with existing laws, the Secretary of the Interior be, and he is hereby, authorized to expend not exceeding \$1,335,740 from the funds held by the United States in trust for the respective tribes for support and civilization of the Indians under the jurisdiction of the following agencies, to wit:

The amendment was agreed to.

The next amendment was, on page 61, line 8, after the name "Fort Apache," to strike out "\$75,000" and insert "\$100,000"; in line 9, after the name "Kaibab," to strike out "\$2,000" and insert "\$4,000"; and in line 10, before the words "San Carlos," to strike out "Pima, \$565," so as to make the paragraph read:

Arizona: Colorado River, \$4,250; Fort Apache, \$100,000; Fort Mojave, \$2,450; Kaibab, \$4,000; Leupp, \$510; San Carlos, \$100,000; Salt River, \$4,500; Truxton Canyon, \$15,000.

The amendment was agreed to.

The next amendment was, on page 61, line 15, after the name "Southern Ute," to strike out "\$3,840" and insert "\$3,000," and in line 16, after the name "Ute Mountain," to strike out "\$10,906.30" and insert "\$8,000," so as to make the paragraph read:

Colorado: Southern Ute, \$3,000; Ute Mountain, \$8,000.

The amendment was agreed to.

The next amendment was, on page 61, line 22, after the name "Red Lake," to strike out "\$5,000" and insert "\$10,000," so as to read:

Minnesota: Red Lake, \$10,000; White Earth, \$1,400.

The amendment was agreed to.

The next amendment was, on page 61, line 23, after the name "Crow," to strike out "\$150,000" and insert "\$175,000," and in line 24, after the name "Fort Belknap," to strike out "\$35,000" and insert "\$45,000," so as to read:

Montana: Blackfeet, \$40,000; Crow, \$175,000; Flathead, \$20,000; Fort Belknap, \$45,000; Rocky Boy, \$8,400; Tongue River, \$25,000.

The amendment was agreed to.

The next amendment was, on page 62, line 4, after the name "Jicarilla," to strike out "\$75,000" and insert "\$85,000," and in line 5, before the name "Northern Pueblos," to strike out "\$30,000" and insert "\$40,000," so as to read:

New Mexico: Jicarilla, \$85,000; Mescalero, \$40,000; Northern Pueblos, \$880; Pueblo Bonito, \$1,300; San Juan, \$2,670.

The amendment was agreed to.

The next amendment was, on page 62, line 12, after the name "Klamath," to strike out "\$75,000" and insert "\$90,000," so as to read:

Oregon: Klamath, \$90,000; Umatilla, \$9,200; Warm Springs, \$2,554.

The amendment was agreed to.

The next amendment was, on page 62, line 17, after the name "Goshute," to strike out "\$6,264" and insert "\$8,000," and in the same line, after the word "Utah," to strike out "\$23,850" and insert "\$20,000," so as to read:

Utah: Goshute, \$8,000; Uintah, \$20,000.

The amendment was agreed to.

The next amendment was, on page 62, line 19, after the name "Colville," to strike out "\$30,000" and insert "\$40,000," and in line 20, after the name "Spokane," to strike out "\$7,740" and insert "\$4,000," so as to read:

Washington: Colville, \$40,000; Quinalt, \$1,850; Spokane, \$4,000; Yakima, \$22,000.

The amendment was agreed to.

The next amendment was, on page 62, line 23, after the name "Shoshone," to strike out "\$70,000" and insert "\$50,000," so as to read:

Wyoming: Shoshone, \$50,000.

The amendment was agreed to.

The VICE PRESIDENT. This concludes the committee amendments.

Mr. HARRISON. Mr. President, I desire to offer an amendment in the form of a new paragraph, to be inserted at the end of line 26 on page 48.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 48, after line 26, it is proposed to insert the following paragraph:

Jurisdiction is conferred upon the Court of Claims, and it is hereby authorized and directed to hear, examine, consider, and adjudicate any and all claims of those certain Choctaw Indians and their descendants not heretofore enrolled, and to make up a roll of all said Indians and their descendants to whom privileges were granted and guaranteed under any provision of the treaty of 1830 with the United States and arising under or growing out of any such treaty provision or provisions

and fix the amount thereof and the liability therefor, and to render judgment accordingly: *Provided*, That said claims shall be presented within one year from the passage of this act by petition in the Court of Claims by said claimants as plaintiffs against the United States and the Choctaw Nation as defendants, which petition or petitions shall be verified by the attorney employed to prosecute said claim or claims by said Indians or their representative, and in order to expedite business and to avoid multiplicity said court shall have power to try any such suits together or separately, as it may see proper, in all such cases preserving the separate rights of the parties, and shall give judgment according to the rights of the parties. A copy of said petition or petitions shall be served upon the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, and upon the Attorney General of the United States, and he, or some attorney for the Department of Justice designated by him, is hereby directed to appear and defend the interest of the United States in said cause, either party to have the right to appeal to the Supreme Court of the United States as in other cases. Upon the final determination of said suit or any action brought under this act the Court of Claims shall decree such amount or amounts as it shall find to be reasonable to pay such attorney or attorneys employed by any of such claimants for their services and expenses, in no case to exceed the amount or amounts stipulated in the contract of employment: *It is further provided*, That the Secretary of the Interior is hereby directed to make no further per capita payments to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, as provided in section 18 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," until the Court of Claims shall determine the liability under this act.

Mr. HARRISON. Mr. President, of course I realize that this amendment is subject to a point of order if it should be made; but I hope neither the Senator from Kansas nor any other Senator will make the point of order against this provision, because of its very great importance.

I shall not go into a discussion of the controversies that have arisen and that have been discussed upon the floor of the Senate for a long time between the Mississippi Choctaws and the Choctaws in Oklahoma, nor of any claim that they may have against the Government of the United States. It is a long history. It has been very fully discussed in past Congresses. It is a question that will remain a mooted one until the courts finally pass upon it; and so I have proposed in this amendment merely to send the question at issue to the Court of Claims and let them pass on it, and during that litigation I have provided that the Secretary of the Interior shall not make any further per capita payments, as under existing law he has a right to do, until the decision is rendered by the court.

Of course, I can go into a full discussion of the matter if the Senator from Kansas does not make the point of order, and I hope he will not make it.

Mr. CURTIS. Mr. President, I feel compelled to make a point of order against this amendment. I want to state, however, that there is a separate measure pending covering this subject, and I think these Indians ought to have the right to go to the Court of Claims. But I think the matter should be presented in a separate bill, and I will have to make a point of order against the amendment on this bill. It is general legislation; it is a claim, and clearly subject to a point of order.

The VICE PRESIDENT. The point of order is sustained.

Mr. JONES of Washington. On behalf of the Senator from Wisconsin [Mr. LENROOT] I present the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Under Wisconsin items, page 57, line 19, after the numerals "\$8,000," insert the words "to be immediately available," so as to read:

For support and education of 275 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, \$63,875; for general repairs and improvements, \$8,000, to be immediately available; for completion of additions to school building and girls' building and equipment for same, \$8,000; in all, \$79,875.

Mr. CURTIS. I have no objection to that amendment.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I desire to offer an amendment after line 26, on page 56.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 56, after line 26, insert the following:

Satus Creek irrigation project, Yakima Reservation, Wash.: For beginning the construction of diversion dams and distributing systems for irrigating 40,000 acres of land adjacent to Satus Creek, on the Yakima Indian Reservation, Wash., \$50,000, the total cost of the project not to exceed \$2,500,000: *Provided*, That the cost of this irrigation system shall be reimbursed to the United States by the owners of the land irrigable thereunder in not to exceed 20 annual payments, and the Secretary of the Interior may fix annual operation and maintenance charges, which shall be paid as he may direct: *Provided further*, That if any allottee shall receive patent in fee to his allotment before the amounts so charged against him shall have been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment, and the fact of such lien shall be recited in such patent and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and should any Indian sell any part of his

allotment with the approval of the Secretary of the Interior, the amount of any unpaid charges against the land sold shall be and become a first lien thereon and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be refused within the discretion of the Secretary of the Interior until all dues are paid: And provided further, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall rest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing provisions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary, and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith.

Mr. JONES of Washington. Mr. President, this provides for the commencement of another unit on the Yakima Indian Reservation. The terms imposed by the language of the amendment are exactly the same as are imposed by law on the other unit on the reservation now under construction and nearing completion.

The Commissioner of Indian Affairs stated in his testimony that really the best Indian irrigation project in the country is the Yakima project. I talked with him over the phone this morning, and he said that last year he had visited every one of the projects, and that the finest one is the Yakima project. On the unit to the north of this about 70,000 acres of land are under ditches, and of that over 58,000 acres are actually cultivated. These lands will be taken and cultivated just as rapidly as they are made available. They are among the most productive lands in the United States. Crops of the value of over \$11,000,000 were taken off the lands of this reservation last year that are under irrigation. The lands in this unit are just as good as any other lands on the reservation, and are valued at from \$200 to \$700 an acre. Greater repayments to the Treasury have been made from this reservation than from any other reservation, and we can not do better than start this work, from every standpoint. I do not care to take the time of the Senate further.

Mr. CURTIS. Mr. President, I dislike very much to oppose this item. It was estimated for and presented to the House, and rejected by the House committee. The Senate committee had to increase this appropriation bill very largely, and we put all in the bill for irrigation we thought we should. We have given to the State of Washington in the bill over \$250,000, and I hope the amendment may not be agreed to.

Mr. KING. May I ask the Senator from Washington whether this calls for an appropriation from the Treasury, or whether it really makes a draft upon funds belonging to the tribe?

Mr. JONES of Washington. It calls for an immediate appropriation from the Treasury.

Mr. KING. Of how much?

Mr. JONES of Washington. Of \$50,000, which is to be reimbursable out of the returns from the disposition of these lands, and I want to say to the Senator that payments are being made right along with reference to the other lands, and there is no reason in the world why payments should not be made just as soon as these lands are under cultivation, and they will be made; there is no question about it. I am not reflecting on any other projects, but this is one of the irrigation projects from which the Government will get back every dollar, and get it back promptly. It is being reimbursed from the other units, and this land is just as valuable as the other.

Mr. KING. To whom will the lands be sold after the project is completed, to Indians or white settlers?

Mr. JONES of Washington. These lands are allotted to the Indians now. They are not to be sold except under the law which authorizes the sale of what we call "deceased Indian" lands. The Indian will have his water rights and he must reimburse the Government for the distribution of the water on his land. If any of the land should be sold under the law to a private owner, of course he would have to make the payments. It is made a lien on the land.

Mr. KING. Does the Senator expect the Indian to pay the Government for the cost of the dam and the irrigation system and the maintenance and upkeep prior to the time the alienation is effected?

Mr. JONES of Washington. Oh, yes; except where an Indian dies, and then the land is sold under the law governing the disposition of a deceased Indian's lands. As I said awhile ago, these lands are worth from \$200 to \$700 an acre. My recollection is that the average crop on these lands last year was worth \$75 an acre.

Mr. KING. Who owns the lands that have been reclaimed, Indians or white men?

Mr. JONES of Washington. Both Indians and white men; that is, white men have purchased land where Indians died. The Indians own the other land. Many of the Indians are working their lands themselves, but many of them lease their

lands and out of the rent these payments are made. I can assure the Senator that there is no question about the reimbursement to the Government. The chairman of the committee, I am satisfied, will confirm that statement.

Mr. KING. If in this locality Indians work their own land, I am sure that is a very unique situation, because the Senator knows that in nearly every place, notwithstanding the enormous expense to which the Government has been put for the reclamation of these lands, the Indians do not work the lands, but just as soon as possible they alienate them, and the lands get into the hands of white men; and the Government is making large appropriations not to benefit the Indians but to benefit some white settlers.

Mr. JONES of Washington. The conditions on this reservation, I think, are probably different from those on almost any other reservation in the country. The climatic conditions are very good, the land is extremely fertile, there are transportation facilities, railroads through the land, and there is a wonderful development there. I do not want the Senator to understand that the great majority of the Indians cultivate the land themselves; they do not. But there are a good many of these Indians who do that. But where they do not do it, the lands are leased to white men. I think that is far better than to have the land idle and unproductive, because the land will produce absolutely nothing without irrigation. The average rainfall over this reservation is about 6 or 7 inches a year, so that nothing can be produced without irrigation. I myself would like to have these Indians cultivate their lands themselves; I would much prefer that. But if they will not do it, then I would like to have the lands cultivated, and have them productive.

More and more the Indians on this reservation from year to year are cultivating their lands. Some of them are just as capable of looking after their affairs as any white man, for that matter. Those Indians largely are cultivating the lands. I think that some different policy ought to be pursued than seems to be followed by the Indian Bureau. I think where Indians are clearly competent to manage their affairs, they ought to be made to take patents to their lands. But that is neither here nor there.

I can not add anything, really. They are the most productive lands in our country, and they are right in the irrigated section, in the Yakima Valley, and probably the Senator from Utah knows about that. They form a part of the land watered by the Yakima River. We have paid \$685,000 for a free water right for one-half of the allotment to these Indians, because, at the invitation of the Government, they allowed white men to go in there and dig irrigation canals, and practically appropriate all of the water in the Yakima River, and the Indians were always claiming and asserting a right to have the water in the river. That controversy was finally brought to an end, and the Government agreed to acquire a water right through the Government reclamation system for one-half of the Indians' allotments. Six hundred and thirty-five thousand dollars has been paid, and the water is in the river, or in the reservoirs, ready to be turned out on the land, and the purpose of this is to let that water on the land and make these desert lands productive.

There is not any question but that every dollar expended there will come back to the Government, and it will come back promptly. It does not mean an indefinite time, but it will come back just as rapidly as the funds are coming back from reclamation projects throughout the country.

Mr. KING. Mr. President, I do not want to indulge in a wholesale criticism of the methods adopted by the Government in dealing with Indian tribes; but, as the Senator knows, I have lived in the West, where we are surrounded by Indians; we have a large number in Utah, and in contiguous States. My experience is that all of this mollycoddling of Indians by the Government, and these attempts to make farmers of them, to make them self-supporting, have been failures, and my opinion is that such attempts in the future will be failures. We are spending millions and increasing appropriations every year without getting, in my opinion, satisfactory results. This bill carries an appropriation of more than \$2,000,000 in excess of the bill as it passed the House, and, as I recall, it carries a larger appropriation than preceding Congresses have allowed. Year by year we augment the appropriations for the Indians of the United States, and I do not think we are getting any corresponding benefits. The policy announced by the senior Senator from Arizona years ago, and which he has reiterated so often, if adhered to would have been productive of better results.

Mr. CURTIS. Mr. President, the Senator should remember that we changed the policy with reference to irrigation of Indian lands two years ago. Since that time the maintenance

charges have been paid by the white settlers, and some of them have paid their allotments for the project, and some of the Indians have paid for the projects on their reservations. For instance, one of the irrigation projects in the Senator's State has been paid for, as have those on the Crow Reservation in Montana. The money advanced on the irrigation projects in Washington has been paid back faster than from any of the others, and, as the Senator from Washington said, there was raised under the Yakima project last year an \$11,000,000 crop. There is no question but what this money will be repaid. We tried to keep this bill down just as much as we could, and had it not been for the great amount carried in the bill this item would have been added. But I feel I am carrying out the wishes of the committee in opposing the amendment.

Mr. JONES of Washington. Mr. President, just a word. I am in favor of holding appropriations down. I have been trying to do that, and I am going to continue to try to do it. I think, however, that sometimes we waste, really, when we shut off some appropriations, and I think this is one case where that is true. This does not carry any considerable amount at this time. It is largely preparatory to the development. This preparation must be made, and, as I have said, this will affect 40,000 acres of the most productive land in the country when water is put upon it.

Water can be put upon it comparatively cheaply. It will repay to the Government every dollar that is expended, and make the lands available to the Indians and productive for them where now they are not productive.

This is not for the purpose of expanding reclamation projects. If this were not an Indian reservation, I would not be urging it at all, but it is a part of the Yakima Indian Reservation, lands which have largely been allotted to Indians. They can raise scarcely a spear of grass upon them without irrigation. It does seem to me, where we are having such great need for production of food products, that where we can do it at such comparatively slight expenditure as we can in this case, in a way that brings back such prompt returns, that we ought to do it. I hope that the Senate will agree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. GORE. I offer an amendment to be inserted as an additional section in the bill.

The VICE PRESIDENT. The amendment will be read:

The ASSISTANT SECRETARY. Add as a new section the following:

SEC. — That section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., p. 907), in so far as the same relates to the allotments of land to the Quapaw Indians and to restrictions against alienation of said allotments, be, and the same is hereby, amended so as to provide that the restrictions which now exist against the alienation of the lands allotted to and allotted lands inherited by the Quapaw Indians named in the letter of January —, 1921, of the Secretary of the Interior, to wit: John Beaver, Mah-hunk-a-zhe-ka, now Beaver; Anna Beaver, now Bear; Arthur Buffalo, Lizzie Cedar, Peter Clabber, Minnie Greenback, now Clabber; Harry Crawfish, Thomas Crawfish, Mary Crawfish, now Skye; Francis Quapaw Goodeagle, Wat-tah-nah-zhe Goodeagle, Khah-Daah, or Grandeagle, now Quapaw; Antoine Greenback, Joseph Greenback, Ho-gom-me, or Goodeagle; Mis-kah-get-tah, Amos Newhouse, John Quapaw, Nellie J. Ball, now Quapaw; Ta-mee-heh, or Quapaw; Benjamin Quapaw, Solomon Quapaw, Frances Quapaw, now Gokey; Julia Stafford, now Shapp; Hah-dah-ska-tun-ka, or Track; Mes-kah-tun-ka, or Track, now Slagle; Flora Young Greenback, now Whitebird; James Xavier, Anna Xavier, now Collins; Wah-she-mah-tah-het Track, now Martha Track Quapaw; Henry Buffalo, Clara May Buffalo, Hazel L. Buffalo, now McDunner; Nora Buffalo, now Brook; William Buffalo, James Amos Valliere; Georgia Alice Valliere, now Hampton; Iva Amelia Valliere, Jesse Daylight, Clayton C. Daylight, Emma Louise Blansett, Alphonso Greenback, Jr., Lulu May Greenback, Mary Mollie Greenback, Amy Greenback, Woodrow Wilson Greenback, John Greenback, Alphonso Greenback, sr., Beatrice C. Peters, now Shapp; Juanita Alma Dawes, Agnes Track, Dennis Wilson, Erwin Wilson, Martin Wilson, Mary Wilson, Louise Wilson, Robert A. Whitebird, Helene Irene Whitebird, Thomas Xavier, Elmore Quapaw, and Lucy Lottson Beaver; and including any Quapaw allotted or inherited lands in which any of the said named Indians have any undivided interests, be, and the same are hereby, extended for the further and additional period of 25 years from the date of this act: *Provided, however*, That the Secretary of the Interior may, with or without application of the Indian owner, remove such restrictions, wholly or in part, after he has found such Indian owner to be as competent as the average white man to conduct his own business affairs with benefit to himself, under such rules and regulations as he may prescribe in regard thereto, and concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians: *Provided further*, That all said lands allotted to or inherited by the Quapaw Indians may, when subject to restrictions against alienation, be leased for mining purposes for such period of time and under such rules, regulations, terms, and conditions only as may be prescribed by the Secretary of the Interior, and said lands while restricted against alienation may be leased for mining purposes only as provided herein: *And provided further*, That the production of minerals on said lands may be taxed by the State of Oklahoma in all respects the same as that produced on unrestricted lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid from out of the individual Indian funds held under his supervision, belonging to the Indian owner of the land, the tax so assessed against the royalty interests of

the respective Indian owner in such production: *Provided, however*, That such tax shall not become a lien or charge of any kind or character against the land or other property of said Indian owner.

Mr. GORE. Mr. President, I should like to state that the amendment proposes no appropriation. This has already been reported to the Senate by the Committee on Indian Affairs in a unanimous report, and the bill passed the Senate by unanimous consent.

The amendment is subject to a point of order, but I shall ask the chairman of the committee not to interpose a point of order on account of the importance and the urgency of the matter. It is intended to protect 50 or 60 members of the Quapaw Indian Agency in Kansas. Those Indians are allotted lands on which are located very valuable zinc mines. The lands devolve to the Indians in their own right and title during this year, when the 25-year limitation expires, and the Indians are not qualified to care for that valuable property. This is designed for their protection.

Mr. CURTIS. The bill embracing this item was read and passed by unanimous consent the other day. It extends the restriction limitations on 62 Quapaw Indians. While the matter is subject to a point of order, the bill which passed the Senate may, I am afraid, not pass the House as it passed the Senate. If it is not passed the Indians may lose much of their property. So far as I am concerned I shall not make a point of order against the amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 7, line 25, after the figures "1922" insert the following proviso:

Provided, That this limitation as to attendance shall not apply to the Hope Indian School for Girls at Springfield, S. Dak., which school is hereby reestablished and continued.

Mr. STERLING. If the Senator from Kansas will permit me, I should like to be heard for a few minutes on the proposed amendment. The language which the amendment would amend reads as follows:

Provided, That all reservation and nonreservation boarding schools, with an average attendance of 45 and 80 pupils, respectively, shall be discontinued on or before the beginning of the fiscal year 1922.

Then would follow the language of the amendment which I propose.

I think the language of the bill is identically the same language as that contained in the appropriation act of last year, which passed. I made some attempt at that time to make an exception in regard to Hope Indian School, a school exclusively for Indian girls and the only one in our State, and the only one anywhere so far as I know, though it is possible there may be others.

The school was founded first as a denominational school by Bishop Hare, Episcopal bishop of South Dakota for a great many years, a man highly esteemed and loved by the people of South Dakota for the great work he did among the Indians. He was a man of excellent judgment, a great worker and missionary among the Indians, and did much, indeed, for their welfare. He recognized, however, that all denominational schools should, in the course of time, anyhow, be turned over to the Government or to the Indian Service. During his lifetime the school was turned over to the Indian Service, and until the 1st day of last July has been a continuing school under that service. There is great need for the school. It is unique in its character, but it is doing a work among Indian girls, not only in the State of South Dakota but in northern Nebraska, that can not be duplicated by any other school.

Mr. CURTIS. If the Senator will yield a moment, so far as I am concerned I am perfectly willing to accept the amendment, but I am afraid the conferees on the part of the House will insist that it shall go out of the bill, because it violates the policy adopted by the House.

Mr. STERLING. If the Senator will accept the amendment and allow it to go to conference, that is all right. I wish to put in the Record in connection with my remarks excerpts from a letter or two that I have, in order that they may come to the attention of the Members of the House. I read from a letter from a former State superintendent of South Dakota, now president of the Springfield Normal School.

Mr. CURTIS. Would the Senator object to printing those instead of reading them?

Mr. STERLING. I do not object and I will ask, if the Senator is in a hurry to proceed with the bill, that the letter to me from Mr. C. G. Lawrence and also the letter from Bishop Hugh

L. Burleson, addressed to the Secretary of the Interior, be printed in the RECORD.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Is there objection? The Chair hears none, and permission is granted.

The letters referred to are as follows:

SOUTHERN STATE NORMAL SCHOOL,
Springfield, S. Dak., May 12, 1920.

Hon. THOMAS STERLING,
United States Senate, Washington, D. C.

DEAR SENATOR STERLING: I have been informed that it has been decreed to close the Hope Indian School for girls located here, and that this will be done in conformity with a ruling of the Commissioner of Indian Affairs to the effect that all Indian schools with an enrollment less than 80 pupils be closed on July 1, 1920.

This school has an enrollment at the present time of 64 pupils, which is the maximum number that can possibly be enrolled in the school.

It seems to me that the school here should be exempted from the ruling of the commissioner because of its peculiarly advantageous location. The school is doing a great work for the Indians, and if it is closed not many of the Indian girls in this section of the country will secure the education they need.

I believe that the best guarantee for the future welfare of the Indians is found in the proper training of Indian girls for intelligent motherhood.

At one time there were four Indian schools for girls in this part of the country, but if Hope School is closed there will not be left a single Indian school for girls which the Indian girls in this section can attend. It is true that they will be given opportunity to attend the regular public schools, but my observation has been that very few of them take advantage of such opportunity. As a result they grow up in ignorance and thus the advancement of the Indian is retarded.

My opinion on this matter is based on my experience as State superintendent of public instruction for four years and on almost daily observation of the training and conduct of the Indian girls enrolled in the local school.

The relations of our normal school with this Indian school have been most cordial, and I feel that the Indian girls have been helped very much by the many occasions when they were invited to attend various exercises at our school.

I am sure that the closing of this Indian school will be in the nature of a calamity for the Indians, and therefore I feel called upon to appeal to you to do all in your power to save this school for the proper education of Indian girls.

With highest regards, I am,

Respectfully yours,

C. G. LAWRENCE.

MAY 12, 1920.

To the honorable the SECRETARY OF THE INTERIOR,
Washington, D. C.

MY DEAR MR. SECRETARY: I take the liberty of writing you upon a matter which appeals to me very strongly, namely, the closing of Hope School, Springfield, S. Dak., because of the blanket law passed recently, directing that Indian schools which have maintained an attendance of less than 80 shall be closed.

I am quite certain that none of those who framed this law realized that they were thereby extinguishing Hope School, which is unique in the service it renders to Indian education in South Dakota. It never has had, nor was intended to have, more than 60 in attendance. It is a home school for girls, established originally by Bishop Hara and by him transferred to the Government. It has maintained the best traditions of its founder. I am constantly visiting the Indian schools of the State, and it is my conviction that no other is rendering such effective service as Hope School. I can quite understand that in the case of large Government schools intended for two or three hundred pupils, which have dropped to one-third or less of that attendance, the law may be reasonable; but it certainly was not drafted to abolish a school such as this that is unique among Government institutions in this State in confining its education to girls only. Without criticizing the educational policy of other schools, I can assert from knowledge that this school is giving to the Indian girls what they can not get elsewhere and girls need. The women of the race should have the best possible, and they are the ones who must be reached with careful and discriminating influences. Hope School is making splendid wives and mothers for the future.

I am particularly sorry to see the school abandoned, because it has never done better work than at this moment, and with the closing of so many other schools it will be more than ever needed. I do not believe that the Indian Bureau really desires its abandonment, but perhaps feels compelled to act under the law as it stands; but it seems to me a pity that a general law of that kind, aimed at inefficient schools, should work so evident an injustice.

I understand that the Indian schools can not be carried on indefinitely and that the time must come when the specialized Indian education merges with the general policy of the Nation, but I can not believe that the best interests of the Indians will be served by the abandonment of this school, and inasmuch as I am deeply concerned with the welfare of the Indian race, I feel compelled to enter my appealing protest. The school has a property value of about \$38,000, and the running expenses are a little over \$20,000. This provides for 60 girls at a very reasonable cost. The money outlay on the part of the Government is hardly enough to consider as a matter of retrenchment.

If it is impossible to exempt the school entirely from the action of the law, could not the enforcement be postponed, say, for another five years, with the understanding that no more enlargements were to be attempted and that at the end of that time the school would close? I believe the service it could render in these five years would abundantly repay the Government.

You, of course, understand, Mr. Secretary, that I am speaking as a friend of the Indian and as a citizen of the State without private ends to serve, but I trust that the opinion of the Bishop of South Dakota, whose people among the Sioux number nearly 50 per cent of the total, may have some weight to prevent what seems to me an unfortunate or, at least, an untimely action on the part of the authorities.

With deepest consideration and respect, believe me to be

Faithfully, yours,

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

Mr. GORE. Mr. President, I desire to offer another amendment, to be added as a new section at the end of the bill. I will ask the chairman of the committee to allow it to go to conference. I wish to say that it does not provide for an appropriation out of the Treasury of the United States, but it does provide for the appropriation of \$6,900 out of the Creek treasury, and, as I understand, the money is available. It is to compensate Mr. Turner and another party for services rendered to the tribe. The matter has been favorably reported by the House, but has not been acted on by the Senate.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The ASSISTANT SECRETARY. Add at the end of the bill as a new section the following:

SEC. —. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Clarence W. Turner and Mrs. William B. Hord, widow of William B. Hord, deceased, one-half to each, out of any funds in the Treasury of the United States belonging to the Creek Nation, the sum of \$6,967.50, being in full settlement of the claim of the said Clarence W. Turner and William B. Hord, deceased, against the said Creek Nation growing out of services performed by them under an act of the National Council of the Creek Nation approved January 31, 1895, in an effort to secure appropriation by the Congress of the United States of \$600,000 of the Creek funds, the same to be made available for the immediate use of the Creek Nation, and of which amount there was appropriated by Congress the sum of \$200,000 by the act of March 2, 1895 (28 Stat., p. 894), the said sum of \$6,967.50 having been appropriated in favor of said Turner and Hord for said services by an act of the National Council of the Creek Nation, approved November 5, 1900, but not paid.

Mr. CURTIS. I could not hear the reading of the proposed amendment on account of the conversation around me. May I ask the Senator whether it provides payment as authorized by the Creek Council?

Mr. GORE. Yes. The Creek Council passed a resolution, I think, in 1899 or 1900.

Mr. CURTIS. How much is the amount of the claim?

Mr. GORE. Six thousand nine hundred dollars.

Mr. CURTIS. No part of it is to come out of Government funds?

Mr. GORE. No. It comes out of Creek funds, and it is for services rendered to the Creek Tribe.

Mr. CURTIS. I have no objection to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be reported.

The ASSISTANT SECRETARY. At the bottom of page 55, under the Washington item, insert the following:

Stevens and Ferry Counties, Wash.: For payment to Stevens and Ferry Counties, in the State of Washington, of their claims under section 2 of the act of July 1, 1892, relating to the payment of local taxes on allotted Colville Indian lands, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$115,767.67, to be immediately available, of which amount the Secretary of the Interior is authorized and directed to pay to said Stevens County \$44,309.67 and to pay to said Ferry County \$71,458: *Provided*, That there may be deducted from said amount by the Secretary of the Interior such sums as he may find have been paid to said counties for Indian tuition; also the excess, if any, where the rate, based on the value of Indian allotments, may be found to be in excess of the rate on taxable land.

Mr. POINDEXTER. Mr. President, in support of the amendment, I ask leave to have printed in the RECORD, in connection with my remarks, a letter from the Secretary of the Interior, dated December 6, 1920, addressed to the President of the Senate.

The PRESIDING OFFICER. Without objection, permission is granted.

The letter referred to is as follows:

DECEMBER 6, 1920.

The PRESIDENT OF THE SENATE.

Sir: Paragraph 28 of the Indian appropriation bill approved February 14, 1920 (Public No. 141, 66th Cong., 2d sess.), provides that—"The Secretary of the Interior is authorized and directed to investigate and report to Congress on or before the first Monday of December, 1920, as to the right of Stevens and Ferry Counties, in the State of Washington, to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled."

In pursuance of the foregoing I have the honor to report as follows: This report is based on information contained in official reports and from data procured by an official inspector assigned to duty for that purpose.

Claims have been presented by Stevens and Ferry Counties, Wash., aggregating \$44,309.67 and \$71,460, respectively. These claims are in lieu of taxes which would have been assessed against the allotments of Colville Indians in these counties from 1901 to 1920, inclusive, and are based on section 2 of the act of Congress of July 1, 1892 (27 Stat. L. 62-63), providing for the opening of a part of the Colville Reservation, which reads as follows:

"That the net proceeds arising from the sale and disposition of the lands so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation to public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he

shall deem best, in the building of schoolhouses, the maintenance of schools for the Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

This departure from long-established custom, in view of the exemption from taxation of Indian allotments while held in trust by the United States, had the effect of encouraging entries upon the lands then opened to settlement.

The first claim was submitted on October 29, 1915, by the county of Ferry. On November 22, 1915, the Board of Commissioners of Ferry County was advised that the provision of the act of July 1, 1892, had been superseded by the act of June 21, 1906 (24 Stat. L., 325-377), under which appropriations aggregating \$1,500,000 were made by Congress for the said lands ceded to the Government by the Indians of the Colville Reservation; that the question as to what funds arising under the acts mentioned were available for expenditures for the benefit of the Indians had been submitted to the Comptroller of the Treasury, who, in a decision rendered April 27, 1915, held that all moneys arising from the sale of said ceded lands since June 21, 1906, belong to the United States, and not to the Indians of the Colville Reservation; that there did not appear to be any balance remaining to the credit of the Indians from sales made prior to June 21, 1906, and that there seemed to be no way under existing law by which the claims submitted could be paid. A similar claim was filed later in the year by Stevens County, Wash., and the same reasons for non-payment existed.

On February 8, 1918, the following bills were introduced in the Senate: S. 3788, entitled "A bill to pay certain taxes in the county of Stevens, State of Washington," and S. 3789, entitled "A bill to pay certain taxes in the county of Ferry, State of Washington."

In the report on Senate bill 3789, this department referred to and inclosed a copy of a letter of April 1, 1918, making an unfavorable report on Senate amendment to H. R. 8696 (then the pending Indian appropriation bill), the provisions of which amendment were identical with Senate bill 3789. In a report on the amendment, the department stated that while the same should not receive favorable consideration the claims against the Government might properly be heard and adjudicated by the department, and the draft of a bill was inclosed which was identical with Senate bill 617, Sixty-sixth Congress, first session, which provided for the payment of \$69,511.38, or so much thereof as might be necessary in settlement of the claims of both counties. The department stated that it had no objection to the enactment of Senate bill 617. None of the aforementioned bills were enacted, but the provision in paragraph 38 of the Indian appropriation bill approved February 14, 1920, directed an investigation and report to Congress.

The total area of Stevens County is 1,595,840 acres. Of this area 1,081,800 acres are taxed and 513,950 acres not taxed. The non-taxable land is the Colville National Forest, State land, Indian reservation land, and other Government land. The Indian allotments are in the best section of the county, and those of less value and the waste land are open to homesteaders. This makes the cost of building roads and bridges and maintaining the same a great burden upon the taxpayers, and the benefits of the improvements are shared equally by the Indians. In that part where the Indians are located there are 145½ miles of road built wholly by the county at an initial expense of \$14,836.

The entire area of Ferry County is 1,400,000 acres. The total area assessed and taxed is 192,500 acres. The area included in Indian allotments, United States forest reserves, and State lands is 1,347,500 acres. The allotments in the ceded portion are the best in the county, 75 per cent of the allotments being agricultural and 25 per cent grazing and timber land. Ferry County expended from March, 1899, to January, 1920, the sum of \$352,412.73 for roads. A very small amount has been paid to the Indians for right of way. Ferry County has built eight permanent bridges, four of which are in conjunction with Stevens County, across Kettle River.

Indian children are allowed to attend the public schools in both counties, although tuition has been paid by the Government for some; but if these two claims are allowed the amounts paid as tuition should be deducted.

In view of the fact that by the terms of the act the Government encouraged settlement upon the ceded lands, that the Indians have shared in the benefits of the improvements made by the white people, that these improvements have also enhanced the value of the Indian holdings, and that the Government must necessarily use the roads and bridges in entering and returning from its own property in these two counties, the department recommends that an appropriation be made of the amounts claimed and that the same shall be paid to the respective counties, subject to any deductions that may be made on account of payments for Indian tuition and for any amounts where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands.

A copy of schedule of claims by the counties of Ferry and Stevens, the reports of the auditors of these counties for the year 1919, and the report of the inspector are inclosed for the convenience of the committee, and their return to this department is requested.

Cordially, yours,

JOHN BARTON PAYNE, Secretary.

Mr. POINDEXTER. The amendment is in pursuance of the act referred to in the amendment of July 1, 1892, the act under which the Colville Indian Reservation was opened under section 2 of that act. In last year's appropriation act the Secretary of the Interior was directed to investigate the matter and report to the Senate what amount was owing to these counties. He reported favorably on the proposition and recommended the amount as carried by the proposed amendment.

Mr. CURTIS. May I ask the Senator if the amount is payable out of money derived from the sale of lands in the reservation?

Mr. POINDEXTER. It is payable, according to the amendment, out of any funds in the Treasury not otherwise appropriated.

Mr. CURTIS. I have not had time to read the act to which the Senator refers. If the Senator is willing that the amendment shall go in and the matter go to conference, with the

understanding that I may read the act in the meantime, I am perfectly willing, so far as I am concerned, to accept it.

Mr. POINDEXTER. I should be very glad to have that understanding with the Senator. Of course, the Senator will examine the act.

Mr. CURTIS. If I am convinced after examining the act that the amendment carries out the provisions of the act, I shall very gladly stand for it; but if I should be convinced that it does not, I will say that I would not insist upon it.

Mr. POINDEXTER. I will not ask that the Senator insist on the amendment if he is convinced that it is not intended to carry out the act, for I do not think he will have any doubt about it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. POINDEXTER].

The amendment was agreed to.

Mr. STERLING. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The ASSISTANT SECRETARY. On page 52, line 10, it is proposed to strike out "\$3,000" and to insert in lieu thereof "\$12,000," so that the clause will read:

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, \$12,000.

Mr. STERLING. Mr. President, I think it quite evident that the appropriation of \$8,000 for the Yankton Indian Agency is wholly inadequate. I merely wish to read an excerpt from a letter which was received from the agent himself, who is in charge of the reservation, which was addressed to Hon. C. A. CHRISTOPHERSON, the Representative from the first district of South Dakota. The agent says:

Had we not been able to secure our fuel for this year out of some savings we had from last year, it would have been impossible to continue this agency to the close of the year.

The Indian Office should know that the volume of business is larger here than at any other agency of the State, with the exception of Rosebud, Pine Ridge, and maybe Cheyenne River; yet our allotment of funds is smaller than some other agencies with less than half the Indians and amount of work. It only illustrates the unbusinesslike methods of the bureau and the fact that a little pressure has been exerted in favor of some of the other agencies. I trust you will see that our Yankton Sioux support item will be placed back to \$12,000, at least.

Mr. CURTIS. For what increase does the amendment provide?

Mr. STERLING. It provides for an increase of \$4,000; that is all.

Mr. CURTIS. If the Senator will make the total \$9,000, which was the amount estimated for, I shall be willing to accept the amendment and let it go to conference.

Mr. STERLING. Will not the Senator, please, accept \$10,000?

Mr. CURTIS. I shall have to make a point of order on the amendment if it provides an amount above \$9,000. The department has only asked for \$9,000.

Mr. STERLING. I presume the amendment is subject to the point of order, but \$9,000 is a little better than \$8,000, and it will help to some extent. So I agree to the modification of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. STERLING. I ask, in connection with my remarks on the amendment, that the marked portions of the letters which I send to the desk may be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, leave is granted.

The matter referred to is as follows:

There are 2,000 Yankton, 1,100 Santee, and 400 Ponca Indians on the rolls of this agency. We have nearly \$800,000 individual Indian money on deposit, we collect and disburse about \$500,000 annually, we lease and supervise about 25,000 acres of Indian land involving 1,000 leases, we probate and settle estates involving many thousands of dollars, we look after the health of these Indians and furnish them drugs and supervise their education, and we not only supervise their industrial activities but in many other ways have to look after their welfare. From our appropriation we have to buy the supplies necessary for the agency and the upkeep of the activities here, and the department should either cease attempting to control their affairs or else give us the wherewith to do it right. We can not do credit either to the Government, the Indians, or ourselves in attempting to administer the affairs of this agency on the appropriation we had this year. I would be pleased to have you take up this matter with the committee when preparing the appropriation bill, and also submit it to Senator STERLING and ask his cooperation. I am going to write a short letter to the Senator and suggest some of the points I have submitted herein.

I wrote you some time ago giving you a synopsis of the work at this agency, and I would appreciate it very much if you would take up the matter of our appropriation when the bill reaches the Senate and endeavor to have our appropriation increased. You will understand

that personally this does not make any difference with me, but it will make a very great difference with the 3,500 Indians under this jurisdiction and it is their welfare I have in mind.

Mr. ASHURST. I propose the amendment which I send to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arizona will be stated.

The ASSISTANT SECRETARY. On page 19, after line 6, it is proposed to insert the following:

For new buildings and additions to and remodeling of present buildings, \$50,000.

Mr. ASHURST. I will consume but a moment in explaining the amendment. A number of buildings on various Indian reservations are in such disrepair that I believe the committee may within a year or so consider the question as to their repair or the erection of new buildings. There are, however, some schools where some of the buildings are in such a complete state of disrepair that the committee should have its attention directed to the matter now. I will ask that the item which I have offered may be adopted and go to conference, and I hope the chairman of the committee will vote with me for the amendment, if it be possible for him to do so. The amendment is not subject to a point of order, because the Department of the Interior has estimated for it. I will read from the House hearings the explanation of the amendment:

The school plant at Phoenix consists of 56 buildings, valued at \$428,989. The buildings at this school are old and many of wooden construction. They are badly in need of repairs, as very few repairs have been made for the last few years, which is shown by the depreciation in value of these buildings.

An assembly hall at this school has been needed for many years. The present one will seat only 360 people, and the school has an enrollment of 700 students, with a force of about 60 employees. Each program must be given twice in order to have the entire student body attend. The school should have an auditorium large enough to seat its student body at one time. Fifty thousand dollars is requested for this assembly hall, which sum includes equipment.

Mr. CURTIS. I am willing to accept the amendment and let it go to conference.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Arizona is agreed to.

Mr. ASHURST. Mr. President, I have another amendment which I wish to propose to the committee amendment. At the bottom of page 23, at the end of line 26, after the word "Indians," I move to strike out the period and to insert the words "to be immediately available." In other words, the amendment to the amendment is in the item appropriating \$5,000 to complete the construction of the approaches to bridges across the Little Colorado River and Canyon Diablo, which bridges are entirely on an Indian reservation; and it is hoped by the department that they be constructed before July.

Mr. CURTIS. I have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the vote by which the committee amendment was agreed to will be reconsidered. The Chair hears none, and it is reconsidered. The amendment proposed by the Senator from Arizona to the committee amendment will be stated.

The ASSISTANT SECRETARY. On page 23, line 26, after the word "Indians," it is proposed to strike out the period and insert a comma and the words "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of Arizona. At some proper place in the bill, it does not matter where—and, perhaps, it had better come in as an independent section—I propose the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arizona will be stated.

The ASSISTANT SECRETARY. At the end of page 23 it is proposed to insert the following:

To aid the construction of a road across the Papago Indian Reservation, in Pima County, Ariz., now being constructed between Tucson and Ajo, the sum of \$100,000 is hereby appropriated, or so much thereof as will make one-third the cost of said road within the reservation, being a distance of 68.1 miles.

Mr. SMITH of Arizona. Mr. President, the amendment does not relate to a railroad but to a wagon road now being constructed, which in many respects will be the most important road in Arizona, for it will run near the international boundary line between the United States and Mexico. Ajo is a thriving mining town of some 2,000 people, I should judge; Tucson has a population of between 20,000 and 25,000 people. A desert stretches between the two places. The Papago Indian Reservation, which was recently established, takes in a large part of Pima County. That reservation was made ten times as large as the necessity of the Indians required. I have attempted several times to have its area reduced, but have been unable to accomplish that desirable end. So the reservation stands there, a body of land 125 miles across. The county of Pima is endeavor-

ing to connect the two points mentioned by a modern road and to carry it on to the town of Yuma and to the Colorado River between Arizona and the State of California.

A report from the present Secretary of the Interior was sent to the House of Representatives and incorporated in remarks recently made on the floor of that body by Representative HAYDEN, of Arizona. In that report the Secretary of the Interior says:

DEPARTMENT OF THE INTERIOR,
Washington.

Sir: I have the honor to transmit herewith for the information of Congress, in conformity with the act of February 14, 1920 (41 Stat. L., 417), a copy of report relative to the necessity of constructing a road between Ajo and Tucson, across the Papago Indian Reservation, in Arizona.

The distance from Tucson to Ajo is 125.4 miles, and the length of that portion of the road on the reservation is 61.8 miles. The estimated cost of the road is \$7,000 per mile, or \$432,600 for that part on the reservation. However, the road will be built without expense to this service; therefore it will not be necessary to make an appropriation for this purpose.

The excuse is made for not giving Government aid toward the construction of the road, which will be as much for the benefit of the Indians, enabling them to get out of that section to the towns I have indicated, as it will be to the people of the county, that the necessity for the road is such that even if the Government does not lend any assistance the county will build the road at its own expense. Each of the counties of Arizona has already spent for road building several millions of dollars, but in their efforts they are constantly confronted by Government reservations, including forest reservations, Indian reservations, and military reservations, which place a mighty handicap on the entire State.

The report of the Secretary of the Interior proceeds:

The necessary right of way for that part of the road on the reservation was granted on October 8, 1920.

As it is the intention to construct this road by way of Covered Wells, about 10 miles north of the Sells Indian Agency, it is deemed essential to the proper conduct of the business of this agency that a satisfactory branch road be constructed between Sells and the main road, at an estimated cost of \$15,000, for which I therefore recommend that funds be appropriated.

Respectfully,

JOHN BARTON PAYNE,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The necessity of the people, despite the great burdens already resting upon them, forced them to undertake the building of the road; but that road will be used by the Government of the United States as often as by the people of the locality, especially in the event the slightest trouble should arise on the Mexican border; and yet, although sixty-odd miles of that road must traverse an Indian reservation, the committee did not even incorporate in the bill a provision appropriating \$15,000 to assist in constructive work of the main road from Tucson to Yuma by way of Ajo, opening up into the California system of roads. On the contrary, the gracious suggestion is made that the Government of the United States shall not put up one cent, because it is said in effect that the necessities of the people are such that they will be required to build it without Government aid.

It is a shame for the Government to think of making the people of poor counties in Arizona—for they are poor outside of the towns located within their borders—to build 65 miles of road through an Indian reservation without giving any aid whatever toward its construction.

I only ask that the Government pay one-third; the poor county will pay the other two-thirds, although three-fourths of the mileage is within the Indian reservation. I repeat that the road will be of just as much advantage to the Indians and to the Government as it is to the people there. Therefore, I ask the chairman of the committee and members of the committee, in view of all the circumstances and in the light of the facts revealed by the speech to which I have referred, and which was made on the floor of the House, to permit the amendment to go into the bill.

In order to obtain a right of way across the reservation some individuals, very likely not representing the taxpayers, said that if the right of way were granted they would build the road; but they had no authority to make such a statement, especially in view of the source from which the money must necessarily come.

So it seems to me cruel, to say the least, in view of our necessities to deny all assistance in this enterprise. Fifty-two per cent of our great State is held in Government reservations, not an acre of which can be used by the State for taxation purposes, except the little homes and personal property and the railroads and the mines. That 52 per cent of the area of the State is held in reservations largely to please the esthetic taste of our eastern friends and to enable them on their luxurious travels to enjoy the beauties which nature has so richly lavished on that

particular section. Half of our living, it might be said, is reserved for that purpose, in behalf of the general public, while we can not get a nickle to aid in the construction of a road 60 miles in length through an Indian reservation, which will be for the benefit of the Indians as well as for ourselves. The road is necessary, but there stands in the way the Indian reservation. If the property were in private ownership and were taxable, so that it could be sold for taxes if necessary, we would not be heard asking for aid from the Government; but the Government holds it there, not subject to taxation on the part of the people of the State, and then says that, inasmuch as out of our necessity we shall be obliged to build the road, the Government will not aid in the least toward its construction.

Mr. CURTIS. Mr. President, I am as anxious to see the Government build roads on Indian reservations as any other Senator, but I do not feel that we can make appropriations unless they are estimated for, and I am therefore obliged to make the point of order against this amendment.

Mr. SMITH of Arizona. Mr. President, I was led to believe, and so reported—and this is the explanation, probably, of the amendment being subject to a point of order—the Indian Commissioner in several interviews has always led my colleague and me to believe that the construction of one-third of this road through that Indian reservation would be recommended by the Indian Office. Whether or not that was done I do not know. It may have been turned down by the Secretary.

Mr. CURTIS. It was not done. Had it been done the subcommittee would have taken up the item, and if they had felt it was worthy they would have recommended it. We recommended the amendments that we thought were of advantage to the citizens and to the Indians.

Mr. SMITH of Arizona. I appreciate the fairness, especially, of the chairman of the committee, his broadmindedness, and his knowledge of the surrounding conditions. No man makes a proper appeal to his judgment who does not receive proper recognition; but here is the situation confronting us, and I should like, in a sort of a private interview with the chairman of the committee, to say this:

This road probably can not be finished before the next Indian appropriation bill comes up, and if it is not, I want the hope of some relief from this burden of taxation that we are forced to bear. We have tried to spend our money for other roads in the State, and that poor county has spent millions of dollars. Can we not, in the next appropriation bill, make some provision on this subject and not have the Congress evade the responsibility that is clearly theirs and let us have this appropriation? Of course, the Senator can not promise what will be done in the future.

Mr. CURTIS. Mr. President, as chairman of the committee I can not promise what will be done, but I may say to the Senator—and I think his colleague will bear out the statement—that we gave to the State of Arizona the various estimates that were made after careful consideration of them. We reduced some of the amounts, but I think the Senator's colleague will agree with me that the committee gave all the items estimated for in the Senator's State.

Mr. SMITH of Arizona. I have no doubt of that. I have no complaint to make of the committee.

Mr. CURTIS. If it were estimated for, I do not think there would be much trouble; but I can not pledge the committee's future action.

Mr. SMITH of Arizona. The same thing would have prevailed, no matter how often we had been before the committee urging it, if the estimate had not been made. Under the strict rule, of course, the point of order lies. Inasmuch, however, as I shall probably not be present at the consideration of the next Indian appropriation bill, but shall be succeeded by another supposedly more attentive than I to the public interests, I hope you may listen to his clarion voice when he asks for this at the next session of Congress.

The PRESIDING OFFICER. The point of order is sustained.

Mr. JONES of Washington. Mr. President, I want to ask the chairman of the committee with reference to a certain proposition that I should like to see in this bill; but I am not going to urge it if the Senator does not think we should put it in, because I know that he looks with favor upon the proposition, and, as a matter of fact, he has reported it favorably from his committee.

Early in 1918 certain lands of the Indians of the Nisqually Tribe in the State of Washington were deemed desirable and necessary for the expansion of Camp Lewis in connection with war activities and war needs. Condemnation proceedings were started without the knowledge of the department. When the department heard of them they immediately intervened for the purpose of protecting the rights and interests of these Indians.

A compromise was made over the estimate of the value of these lands by the War Department and the representatives of the Indian Office. The Indians were paid that amount of money; but this compromise was accepted with the clear understanding that if it was found afterwards, upon a more careful investigation, that the Indians were entitled to more compensation for their lands this should be paid. The need of the lands was very urgent, as everybody knows, and they were taken for a part of the site of Camp Lewis. About 25 heads of families were deprived of lands that had been allotted to them under the treaty, I think, of 1854. They claim that they were deprived of certain fishing rights, or that the lands that were given to them in lieu of these other lands were subject to taxation when their original allotments were not subject to taxation, and that certain other rights which they formerly had were not given to them in connection with these lands.

This matter was very carefully investigated, and it was found that the Indians were justly entitled to \$85,000 additional. The Indian Affairs Committee has reported the bill favorably, and I want to ask the chairman if he feels that he can accept that amendment to the bill, for if he thinks he can not I shall not propose it.

Mr. CURTIS. I do not feel that I can accept it. There are many Senators who have asked for similar amendments, and they have all been turned down, and I should not feel justified in accepting one and excluding others.

Mr. JONES of Washington. The Senator is certainly correct, and I shall not ask him to do so.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, just one word before this bill passes.

I do not rise in any critical spirit, because I know how earnest the chairman of the committee [Mr. CURTIS] has been to enforce economy and attempts to carry out the pledges of his party, and reduce the expenditures of the Government to a reasonable basis; but his failure to do so illustrates the impossibility of securing retrenchment and reform. Departments, bureaus, commissions, Federal agencies, and organizations have become so powerful that the legislative branch of the Government is impotent to check their advances and to resist their demands. Never was the potential force of organization and group action more fully demonstrated than in the assaults made by these executive instrumentalities upon the Treasury of the United States. Congress is regarded by them as a mere registering agent of their will. They have for years formulated plans not only for the executive departments of the Government but for the legislative branch. Instead of the executive branch of the Government limiting its activities to an enforcement of the laws, it has, through departments, organizations, commissions, and Federal agencies, become the turgid but powerful stream from which much of our legislation flows. These agencies ascertain where there are limitations, and, if they desire their repeal, demands are made upon Congress and pressure is put behind the same until the limitations are removed. It is easy to perceive what legislation will increase jurisdiction, extend authority, augment power, and multiply the number of offices and officeholders; and those who would benefit by such legislation are persistently engaged in securing it.

Estimates are frequently prepared by organizations within organizations, by bureaus and agencies within departments, and it is an almost unbroken practice for such organizations or agencies to submit estimates which call for larger appropriations and which will permit the assertion of greater power and the entrance into wider fields of activity and the multiplication of the number of employees. These estimates, as I have indicated, are not prepared by disinterested parties, or by individuals whose relation to the Government would be wholly unaffected thereby, but in the main they are the product of combinations and influences which are constantly seeking to magnify executive authority and to recruit the already swollen army of Federal officeholders.

The hearings before committees are practically ex parte. There are no witnesses for the people, for the great body of taxpayers—for those who have to bear the burdens of government. A select few give testimony. They are prepared to make a most favorable showing. They are ready to supply a multitude of reasons for creating new bureaus and extending the activities of those already in existence. They find unlimited pretexts for demanding more positions and higher salaries. The people are at a disadvantage in these hearings. They have not had opportunity to prepare a defense and to offer countervailing testimony to meet the demands of the interested witnesses offered by the executive departments of the Government. Most of the hearings are confined to statements by

officials of the needs of departments and testimony to support the extravagant and indefensible estimates submitted from the executive branches of the Government. It would be a wise policy if Congress could provide some independent authority, amenable only to Congress, to properly check these enormous estimates of executive departments and supply the legislative branch of the Government full information as to the actual necessity, not the theoretical needs, of the departments.

Mr. CURTIS. Mr. President—

Mr. KING. I yield.

Mr. CURTIS. I should like to call the Senator's attention to five lines that were put in this bill on page 18—lines 14 to 19. If those five lines become the law, we ought to dispense with a great many employees. That provision does away with much of the correspondence now conducted by the United States Indian agents. There was one agency where over 7,000 letters were written to the department. I have pointed out that one agency because I happen to remember the number of letters there; but I will state that if this provision goes through it will do away with the work that now requires the services of quite a large number of clerks, not only here in Washington but at the various agencies, and will not injure the service in the least, and will hasten action on matters pending in the department. On that one item alone we ought to save, I am told, in one agency, nearly one-fourth of the employees.

Mr. KING. I congratulate the Senator upon effectuating this reform. I wish others could be brought about; but I do not hesitate to state that this item will be an oasis in the great desert of bureaucratic inefficiency and extravagance. If the Senator attempts reforms in other directions he will be defeated. The Juggernaut of officialdom will crush him, and the procession, strengthened and with increased numbers of Federal employees, agencies, commissions, and instrumentalities, with triumphant tread will pass over his prostrate form, seeking to spread terror among those who may have the temerity to attack their advance.

I have almost despaired of Congress being able to free itself from executive incumbrances and to destroy the vicious bureaucratic power which has the Government in its grasp. With all the demands for administrative reform, but little, if anything, is accomplished. Indeed, I feel confident that a fair survey of executive forces will demonstrate that they are more powerful, more sinister, more far-reaching than ever before, and that never in the history of this Republic have the baneful effects of bureaucracy and paternalism been as manifest as at the present time. Never before have the rights of the States been so brazenly attacked and the efforts to devitalize the people and to bring them under the corrupting influences of Federal appropriations and Federal activities been so audacious, persistent, and successful as during the past few years.

Federal agencies are not partisan. They are not Democratic or Republican. They make war upon both parties when necessary to accomplish their ends, or run with either party when it is believed benefits will be received. There has been no check in the extension of bureaucratic influence and power, no matter which party was in power. Political parties are employed to accomplish the purposes of these destructive forces.

The Senator has attempted, in the preparation of the bill now before us, to limit appropriations, but notwithstanding his efforts he has been unable to keep the appropriations down, and so we are presented with a bill that carries several million dollars more than that passed a year ago. I have not investigated to ascertain the number of employees in the Indian Service, but believe there are approximately 8,000.

Mr. CURTIS. About 6,000.

Mr. KING. I am very glad to learn that the number is less than I had been led to believe were employed. I venture to suggest to the Senator, however, that if he will make a minute examination of the Indian Bureau and all the Indian agencies, he will discover that there are more than 6,000 employees.

Mr. CURTIS. Mr. President, I said to the Senator that there were about 6,000 employees in the Indian Service. That is the figure we got when the bill was up. I want to state, further, that there are now over 300,000 Indians under the charge of the Government. If we can get through the amendment I mentioned, it ought to place several thousand of those Indians outside of the direct care of the Government, with simply enough supervision to see that they are not robbed of their property; and I think that with proper legislation, some of which is pending—we have two measures pending—if we can pass either one at this or the next session we ought to relieve the Government from a charge of about 40,000 or 50,000 Indians who, I think, do not longer need full Government control.

Mr. KING. Mr. President, a few years ago, when I had the honor to serve with the Senator in the House of Representatives, the Indian appropriation bill carried approximately four or five million dollars.

Mr. CURTIS. Mr. President, the bill was about \$7,000,000; but if the Senator will look at the bills, he will observe that all these increases have been brought about by irrigation projects which were not then in the bill—that is a new step that has been taken in the service, over my objection—and a policy of encouraging industry among Indians has been adopted, and the loaning of money to Indians from a revolving fund, which, I might state, has been used for the purchase of cattle and in getting Indians to engage in farming and stock raising, and it has been a success.

It has helped and has greatly improved the Indians on various reservations. The Indians on some 80-odd reservations have taken advantage of that revolving fund and great benefit has resulted.

Mr. KING. In 1882 the Indian bill carried \$4,500,000, and in 1888 it carried \$5,000,000.

Mr. CURTIS. Mr. President, I was not in the House in 1882.

Mr. KING. In 1889 it carried \$5,000,000; in 1891 it carried \$7,000,000; in 1894 it carried \$7,000,000.

Mr. CURTIS. I came into the House in 1893.

Mr. KING. In 1896 it carried \$8,000,000 plus; in 1898 it carried \$7,000,000 plus; in 1899 it carried \$7,000,000 plus; in 1900 it carried \$7,000,000 plus; in 1901 it carried \$8,000,000 plus; in 1904 it carried \$8,000,000 plus; in 1906 it carried \$7,000,000 plus; in 1907 it carried \$9,000,000 plus; in 1909 it carried \$9,000,000 plus; in 1911 it carried \$9,000,000 plus; in 1912 it carried \$8,000,000 plus.

Mr. CURTIS. May I suggest that at about that time the department began irrigation work on various Indian reservations, and since we have undertaken it we have spent \$23,000,000 for irrigation on Indian reservations. Up to the time we passed the act a year or two ago, only \$2,000,000 had been returned. Since the act was passed—I would not be sure about the date, but about a year or two ago—they have recovered a great deal of money from the lands under these projects.

Mr. KING. Continuing, in 1913 the appropriation was \$8,000,000 plus; in 1915 it was \$9,000,000 plus; in 1916 it was \$9,000,000 plus; in 1917 it was \$10,000,000 plus; in 1918 it was \$11,000,000 plus; in 1919 it was \$11,000,000 plus; in 1920 it was \$11,000,000, and in 1921 it was \$10,000,000. Mr. President, for the fiscal year ending the last of June of this year the Indian appropriation was \$10,020,555.27. For the coming year the amount of the bill, as it passed the House, was \$11,194,035.30. It has been increased by the Senate committee \$2,211,709.37, so that the bill as reported to the Senate carries \$13,405,744.97.

Mr. CURTIS. May I call the Senator's attention to the fact that, out of that, \$1,736,000 is reimbursable? Much of it comes out of the funds in the Treasury, and \$3,037,000 comes out of the Indian funds direct. So the bill as a whole, so far as the Indian Service is concerned, appropriates only a little over \$8,000,000.

Mr. KING. Mr. President, it might be said with respect to all those other bills that many of the appropriations called for reimbursements, and the gratuities did not absorb the entire appropriations.

Mr. CURTIS. Nearly all of the appropriations were absorbed by gratuity items at that time, and to carry out treaty obligations.

Mr. KING. Mr. President, a survey of the appropriations shows that the amount appropriated year by year for the Indian Service has increased. During the period between 1882 and 1900 it was four or five million dollars per annum. Now it is over \$13,000,000. So it is with all departments of the Government. Our expenditures are increasing at a rate entirely disproportionate to the benefits received or to the increase in population. We are building up more bureaus, more executive agencies, more Federal instrumentalities, more commissions, and a more expensive system of administration.

Mr. President, it can scarcely be said that this is a government of law. It would be more accurate to say that it is a government of commissions and by commissions and in the interest of commissions. Statute law is no longer the rule of action. This is the period of administrative law. Bureaus, commissions, and executive agencies have committed to them not only executive but legislative powers, and they make ordinances and regulations and rules which have the force of statute law, and by the courts are enforced by pains and penalties. We are cursed by administrative law, by oppressive rules and regulations and orders issued and enforced by numberless officials, great and small.

In war times there is an increasing tendency to government by commissions and boards and to apply and enforce administrative law. The centripetal forces in this Nation are now in the ascendancy.

Following the Civil War the tendency was to minimize the States and to concentrate power in the hands of the Federal Government. Though the Supreme Court had declared, following a proper interpretation of the Constitution of the United States, that the preservation of the States was essential to the preservation of our form of government, irresistible currents set in to weaken the States and to transfer from the people and the States to the General Government the authority which belonged to them.

The contest now is not the maintenance of the Federal Government. The great struggle is to preserve the States. The World War tended to give us an imperialistic point of view. War is the antithesis of democracy. War suspends law, destroys local self-government, and transfers to one or few hands an authority theretofore exercised by the people. In war we mobilize under Federal authority the resources of the land and bring into mighty armies, controlled by the President of the United States, the millions amenable to military service. It is a difficult task when the war drums cease and when the battle flags are furled and when the ranks are broken for the policies of peace to be reasserted and the rights of individuals and of local communities and of States to again rise to their proper stature. The struggle is now on between the consolidated and powerful Federal Government, dominated by bureaucratic forces, and the rights of the people as individuals, as the sources of power and authority, and the rights of local communities and of the States themselves. And the voices that should be strong for local self-government, for personal liberty, for freedom, and for those principles and policies that make a strong and vigorous democratic people seem to be silent, and the strident cries of the centralized forces in the land either frighten the people into submissiveness or win them to the acceptance of dangerous and destructive policies.

Senators and Representatives coming from the people and the States, whose rights they should vindicate, seem to view with complacency these swift currents which are carrying us into an all-powerful federalism. Unfortunately, appeals are made by many people for increased authority in behalf of the Federal Government. The propaganda carried on by executive agencies and Federal officials is demoralizing the people, breaking down their morale, weakening their moral fiber, and leading them to an acceptance of the dangerous heresy that the Federal Government is the source of power and authority and should superimpose itself upon the States, control their activities, and direct the lives of the people themselves. Appeals to State pride do not always bring response. We talk of the Nation, but not of the States. We speak of the power and greatness of the Federal Government, but forget the sovereigns—the people themselves—the source of all power. The fallacy is accepted that we grow from the top and not from the bottom, and that power comes down from above instead of from the people.

We are led to believe that it is wise to be taxed by the Federal Government in order that, through its commissions and agencies and by means of hundreds of thousands of its employees, the money thus wrung from the people may be passed back to them diminished in quantity if not deteriorated in quality. The absurd view is emphasized, and the people are "fooled" into accepting it, that we should have hundreds of thousands—indeed, millions—of Federal officials to feed and fatten upon the people and tax them in order that there may be expended through the hands of these same parasites the millions taken from the people. The idea seems to be that money collected from the people by themselves and expended in their own communities by their own servants is less beneficial than if collected by Federal officials and transmitted to Washington and then filtered back to the people, though from 20 to 30 or 40 per cent of it may be lost in these various processes.

Mr. President, I referred a moment ago to the ex parte statements made by Federal officials before the committees. Upon these ex parte statements we appropriate billions. The parties making them are interested, as I have said, and their zeal for appropriations, increased salaries, extension of authority and power undoubtedly does have its effect upon their testimony. In courts of justice we always view the testimony of an interested witness with caution. We know the limitations of human nature, and we weigh the testimony of an interested witness—the witness who will be benefited if his story is believed—cautiously, if not skeptically, with a view to getting at the truth.

Representations are made before committees of Congress by these interested witnesses that unless they have millions and

billions the Government will cease to function. The most direful predictions are made unless their demands shall be satisfied; and if committees courageously reject their piteous and selfish appeals, immediately there are set in motion influences and sinister forces to compel a reversal of the action of the committees. Senators and Congressmen are besieged, not only by the Federal Government lobbyists and interested agents in Washington but by their own constituents, whose aid is sought, by telegram or otherwise. Many Federal organizations are so perfect that they act automatically. If an appeal for an appropriation is denied, within a short time the constituents of a Senator or Congressman who has been instrumental in securing a rejection of the demand are often appealed to, and they in turn bring pressure upon those who represent them in the legislative branch of the Government to reverse their positions.

In my opinion this course is improper, and if there is not sufficient legislation there should be laws enacted that would prohibit officials and Federal agencies from engaging in this method of lobbying and attempted intimidation in their efforts to secure Federal appropriations.

What is needed now is a leader who will arouse the people to the necessity of putting hooks in the jaws of the Federal Government and of reviving the spirit of personal independence and that love of local self-government which inspired our fathers in the days of the Revolution. What we need is not more government but less government. If evils, actual or fanciful, exist we create a commission and empower it to promulgate rules and regulations which have the force of statutes. No attempt is made to bring the matter to the attention of the people with a view to having them correct the evil. The thought seems to be that statutes bring perfection, abolish wrong, correct errors, change human nature, and transform humanity into perfect beings, or into wretched weaklings who are to be the wards of the State. The idea seems to be to destroy the individual as the means of effectuating reforms. If we can throttle individualism, if we can strike at the integrity of the home, if we can crush aspirations for local self-government, if we can weaken States, if we can convince the people of their inability to govern themselves, and if we can finally create a powerful paternalistic, bureaucratic Government we affect to believe that the millennial era is at hand.

Mr. President, what we need is more democracy and not less democracy, more freedom and less centralization of power. We want to get back to the doctrines of Jefferson. The people should be taught correct principles and then they can govern themselves. We do not want teachers and bureaucratic forces in Washington to send to the uttermost parts of this Republic instructions and directions and policies and orders and regulations and rules.

I wish that in every community organizations could be formed to spread the principles of democracy and to assert the right and the power and the duty of the people to govern themselves. I wish a crusade could be inaugurated in all parts of the land against this accursed spirit of bureaucracy and paternalism which is infecting individuals and States. There are evidences that the Federal agencies are seeking solidarity, and they synchronize in these campaigns which are being conducted to weaken the States and to strengthen the General Government. Congress is becoming so impotent that many believe appropriation bills, if not very much of general legislation, is inspired by the hundreds of thousands of employees of the Government. We sit in this Chamber, according to the view of many, merely to O. K. the bills prepared by Government officials and to, in a grumbling way, assent to the appropriations which they demand. It has been charged that we lack courage to resist these demands. There is much to support the charge. If appropriation committees do happen to cut down an item carrying an appropriation immediately forces are set in operation to secure a restoration of the item to the bill. Senators will bear me out in the statement that it is a miracle to secure a reduction in any item in any appropriation bill in either the House or the Senate. The task is easy to augment appropriations, but it is almost impossible to reduce them. The Senator from Wyoming [Mr. WARREN], in the sundry civil bill which was passed yesterday, attempted to reduce a few items in the bill which passed the House, but in nearly every instance—and I am not sure but in every instance—his efforts were unavailing.

The country is demanding relief from the burdens of taxation pressing upon them. The Republican Party is pledged to economy, and yet any efforts made to effectuate reforms and to bring about economies is resisted. It is resisted by executive agencies and, I am sorry to say, it is resisted by many Members of the legislative branch of the Government. Confronted with a deficit of \$2,000,000,000, we proceed, without the slightest con-

cern, in the work of appropriating billions. Our party acts are inconsistent with our professions. Attempts to reduce appropriations meet with disfavor.

Yesterday, in the efforts which I made to reduce appropriations, I encountered opposition from Senators. Mr. President, the saturnalia of extravagance which we participated in during the war has not ended, and so we are maintaining war legislation under which enormous taxes are collected. Notwithstanding the billions wrung from the people, we find an exhausted Treasury and a stupendous deficit. Do we lack courage to reduce expenses and remove the burdens of taxation? It would not be parliamentary to say that there was fear in the legislative branch of the Government, but I may be permitted to say that there is, in my opinion, a lack of appreciation of the serious conditions confronting us and the imminence of financial disaster to the Government.

Mr. President, these statements are not partisan. I think I can truthfully state that upon these questions I know no party. I have condemned my own party for appropriations which I felt to be unwarranted, and I would as quickly challenge waste or extravagance upon its part as I would if the Republican Party failed to support policies of economy and retrenchment.

I sometimes wish that a coalition could be formed for the purpose of saving the Treasury from the annual raids which are made upon it. I hope the Republican Party, flushed with victory, will not forget its promises—promises of economy. I should be glad to aid in any possible way, Senators upon the other side of the Chamber, in executing policies that will conduce to the welfare of the people and relieve them from the onerous burdens from which they now suffer. This is not a time for partisanship, but for genuine Americanism. Our paramount purpose should be to serve the people and preserve our country. If the Republicans will seek wise and just legislation and adopt policies looking to the preservation of this Republic and the maintenance of the rights of the people, I shall be glad to uphold their hands in every possible way. I fear, indeed expect, that they will fail to redeem their promises, that they will permit centralized forces to dominate, and will be swallowed up in the sweeping waves of extravagance now carrying them forward.

Mr. President, I shall vote to reduce appropriations whenever it is possible. I want our disbursements to bear some relation to our receipts. I shall vote to reduce taxes, and I shall make every effort within my power to reduce expenditures. If I thought this bill could be recommitted with instructions to reduce it \$1,000,000 or \$2,000,000, or, indeed, any amount, I should be glad to submit the appropriate motion. When the District appropriation bill was before the Senate I called attention to the enormous appropriations which it carried and showed that it was larger by several million dollars than that of any prior year. Notwithstanding the facts were not controverted, when I moved to recommit the bill for the purpose of reducing the appropriations the votes in support of the motion were very few.

Mr. President, this appropriation bill will pass, and so will every appropriation bill submitted by our Republican friends. We will go on strengthening the paternalistic forces, aggrandizing the Federal Government, weakening the States, enervating the people, strangling the spirit of freedom manifesting itself in individual and community life; we will fashion a Government along imperialistic lines and surrender to it those precious gifts of freedom and local self-government to secure which our fathers fought and to maintain which our lives should be consecrated. In other nations decentralizing processes are going on. In our Nation centralizing forces are dominant. Will the absorptive and centripetal forces in the land triumph? This vital question is before the American people.

The PRESIDING OFFICER (Mr. ASHBURST in the chair). The bill is as in Committee of the Whole and open to further amendment. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CURTIS. I move that the Senate request a conference with the House on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CURTIS, Mr. GRONNA, and Mr. ASHBURST conferees on the part of the Senate.

RED LAKE AND RED LAKE RIVER IMPROVEMENT.

Mr. NELSON. Mr. President, I ask unanimous consent to call up from the calendar the bill (H. R. 14311) to authorize

the improvement of Red Lake and Red Lake River in the State of Minnesota for navigation, drainage, and flood-control purposes. It is the object of the bill to give the consent of the Federal Government for drainage and flood control of the headwaters of the Red River. The bill has been favorably reported by the War Department and the Department of the Interior, and there is a unanimous report of the committee upon it.

Mr. McCUMBER rose.

Mr. KING. Mr. President, I hope the Senator from North Dakota will not object. We can pass the bill in two minutes.

Mr. McCUMBER. If the Senator will allow me I wish to ask unanimous consent that the unfinished business may be temporarily laid aside for the purpose of considering the drainage bill referred to by the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the unfinished business is temporarily laid aside. Is there objection to the consideration of the bill indicated by the Senator from Minnesota?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14311) to authorize the improvement of Red Lake and Red Lake River in the State of Minnesota for navigation, drainage, and flood-control purposes, which had been reported from the Committee on Commerce with amendments.

Mr. POINDEXTER. I should like to ask the Senator from Minnesota whether the bill involves any appropriation from the Treasury?

Mr. NELSON. Nothing except a nominal appropriation for supervising the work. According to the statement of the Chief of Engineers, the only appropriation that the Government will be called upon to make is \$15,000, covering a period of several years. The expenses of the work come out of the landowners within the drainage district. It is a district incorporated under the laws of the State of Minnesota, and all the expenses involved, except those for the supervision of the work, to see that it is done conformably to plans approved by the Government engineers, are to be paid by the landowners.

Mr. POINDEXTER. What is the approximate cost of the project?

Mr. NELSON. The figures are found in House Document No. 61, first session Sixty-sixth Congress. The cost of the entire project is \$779,000, and the total amount contributed by the Federal Government, according to the estimate, will be \$15,000, and that relates to the work of supervision merely.

Mr. POINDEXTER. I suppose the jurisdiction or interest of the Federal Government is based upon its control of navigation.

Mr. NELSON. Yes. These are the headwaters of the Red River of the North, and the Government has a slight interest in the matter of navigation. I will read the concluding paragraph of the report of the Chief of Engineers:

After due consideration of the above-mentioned reports, I concur in the views of the district engineer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that it is deemed advisable for the United States to cooperate with the other interests concerned in the improvement of Red Lake and Red Lake River, at a total estimated cost of \$779,000 for construction and \$12,000 annually for maintenance, the share—

I call that to the attention of the Senator—the share of the cost to be borne by the United States in the interests of navigation being \$15,000 for supervision of the work during construction and \$200 annually thereafter for maintenance and operation. The cooperation of the United States should be conditional upon satisfactory assurances being given by the other interests concerned that they will properly carry out the improvement in accordance with the plans herein proposed, or such modified plans as may be approved by the Secretary of War. Appropriations should be at the rate of \$3,000 a year for five years and \$200 a year thereafter.

That is the whole expense.

Mr. POINDEXTER. Is there any navigation on the river or the lake?

Mr. NELSON. Not at present, but it is hoped that there may be navigation for small motor boats when the improvement is finished.

Mr. POINDEXTER. In view of the small amount of expense entailed upon the Federal Government, and if there is to be no prolonged debate upon the bill which would delay consideration of the pending emergency tariff bill, I will withhold objection.

The PRESIDING OFFICER. The Secretary will state the amendments of the committee in their order.

The SECRETARY. In section 1, page 2, line 5, strike out the words "of the preliminary survey"; in the same line, strike out the word "Board" and insert the word "Chief"; in line 6, strike out the words "for rivers and harbors"; in lines 12, 13, and 14, strike out the words "in accordance with the act to regulate construction of dams across navigable waters, approved June 23, 1910"; and in line 22, page 2, after the word "river," insert "and for any other property belonging to the Indians

used, injured, or destroyed, in connection with the construction, operation, and maintenance of any of the works provided for herein," so as to make the section read:

That the Red Lake drainage and conservancy district of the State of Minnesota, duly created and organized under the laws of said State and authorized to construct improvements and projects therein, is hereby authorized to deepen, widen, and straighten the said Red Lake River and tributaries thereof, or any portion thereof, as may be deemed necessary, and to fix and regulate the height of water in Red Lake, and to construct and maintain such ditches, drains, dams, dikes, spillways, or other controlling works as may be found necessary and advisable to utilize the said Red Lake for reservoir and flood-control purposes, and to facilitate drainage into said lake and river, as indicated and outlined in the report of the Chief of Engineers to the Secretary of War on March 28, 1919 (H. Doc. No. 61, 66th Cong., 1st sess.), with such modifications and changes as may be found advisable: *Provided*, That detailed plans for such work and improvements shall first be submitted to and approved by the Secretary of War and the Chief of Engineers: *Provided further*, That the deepening, widening, and straightening of that part of Red Lake River within the Red Lake Indian Reservation and all other work necessary or desirable to be done within the Red Lake Indian Reservation shall be done in accordance with plans submitted to and approved by the Secretary of the Interior, provided that due compensation shall be made to the Indians for any lands that may be required for straightening said river, and for any other property belonging to the Indians used, injured, or destroyed, in connection with the construction, operation, and maintenance of any of the works provided for herein: *And provided further*, That before the acceptance of the plans the Red Lake drainage and conservancy board and the Secretary of the Interior shall ascertain and agree upon the maximum and minimum levels between which the water in Red Lake shall be permitted to be fluctuated, and such levels shall not be deviated from without the consent of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 10, to strike out the words—

There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay the share of the United States as shown by said report, and to pay that part of the cost of said improvements apportioned to the lands within the said Red Lake Indian Reservation, which latter amount shall be reimbursable to the United States under such rules and regulations as the Secretary of the Interior may prescribe.

And insert in lieu thereof:

The Secretary of the Interior is hereby authorized to withdraw from the tribal funds on deposit in the Treasury of the United States to the credit of the Indians of the Red Lake Reservation such sums as may be required and as they may be needed to meet the assessments chargeable against the lands within said Indian reservation as provided for herein, and to expend the same in the payment of said assessments as they become due: *Provided, however*, That all tribal moneys so withdrawn shall be reimbursed to the Red Lake Tribe by the Indian allottees benefited under such rules and regulations as the Secretary of the Interior may prescribe.

In line 8, on page 5, to strike out the words "shall be enforceable" and insert in lieu thereof the words "may be enforced," and in line 10, on page 5, to strike out the words "as soon as" and insert the word "after," so as to make the section read:

Sec. 2. That the Secretary of the Interior is hereby authorized to enter into such contract arrangements as may be found necessary and advisable with the said Red Lake drainage and conservancy district relative to all work within the Red Lake Indian Reservation as contemplated in section 1 of this act and as to the assessment of lands within the limits of the Red Lake Indian Reservation in said State for their proportionate share of the cost of such improvement and their maintenance and operation. The said Red Lake drainage and conservancy district is hereby authorized to include within the boundary of the said drainage and conservancy district all lands within the limits of the said Red Lake Indian Reservation located within the Red Lake River drainage basin, and to assess the lands benefited in the same manner and proportion as other lands outside of the limits of said reservation, but within the said drainage district and benefited by such improvement: *Provided*, That all such assessments within the limits of said district shall be on a per acre basis against the lands benefited in proportion to the benefits received: *Provided further*, That the maximum cost to any lands within the boundaries of said reservation shall not exceed \$2.50 per acre. All assessments so levied by said drainage and conservancy district shall be in the manner provided by the laws of said State, except as modified by contract with the Secretary of the Interior, and the Secretary of the Interior is hereby authorized to make such regulations for the payment thereof as may be found necessary or desirable. The Secretary of the Interior is hereby authorized to withdraw from the tribal funds on deposit in the Treasury of the United States to the credit of the Indians of the Red Lake Reservation such sums as may be required and as they may be needed to meet the assessments chargeable against the lands within said Indian reservation as provided for herein, and to expend the same in the payment of said assessments as they become due: *Provided, however*, That all tribal moneys so withdrawn shall be reimbursed to the Red Lake Tribe by the Indian allottees benefited under such rules and regulations as the Secretary of the Interior may prescribe: *And provided further*, That the assessment against the lands within the Red Lake Indian Reservation shall become a first lien on said lands and such lien shall be recited in any trust or fee patent that may be issued thereafter, and any such lien may be enforced by the Secretary of the Interior by foreclosure as a mortgage after fee simple patent is issued: *And provided further*, That any fund standing to the credit of any Indian allottee, or which may hereafter be placed to his or her credit, may be used in payment of such lien.

The amendment was agreed to.

The next amendment was, to add at the end of the bill as a new section the following:

Sec. 5. That unless said drainage and conservancy district shall within two years from and after the date of the approval of this act submit to the Secretary of War and the Secretary of the Interior, respectively, satisfactory detailed plans and agreements covering the works authorized to be constructed hereby, then, and in that event, all rights hereunder shall cease and terminate.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSION APPROPRIATIONS.

Mr. McCUMBER. Mr. President, I ask unanimous consent that the unfinished business may be further temporarily laid aside for the consideration of House bill 15344, the pension appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15344) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1922, and for other purposes, which was read, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1922, and for other purposes, namely:

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, \$265,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately. For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1922, \$500,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMERGENCY TARIFF.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. McCUMBER. I believe the unfinished business is now before the Senate.

Mr. UNDERWOOD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McCormick	Smith, Md.
Ball	Hale	McCumber	Smith, S. C.
Borah	Harris	McKellar	Smoot
Brandegree	Harrison	McLean	Spencer
Calder	Heflin	McNary	Sterling
Culberson	Jones, N. Mex.	Moses	Sutherland
Curtis	Jones, Wash.	New	Swanson
Dial	Kendrick	Norris	Thomas
Dillingham	Kenyon	Penrose	Trammell
Fletcher	Keyes	Poinexter	Underwood
Gay	King	Ransdell	Walsh, Mass.
Glass	Kirby	Sheppard	Warren
Gooding	Knox	Simmons	Wolcott
Gore	Lodge	Smith, Ariz.	

Mr. KENYON. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on official business in the Committee on Manufactures.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum of the Senate is present. The bill is before the Senate as in Committee of the Whole, and is open to amendment. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. The pending amendment is on page 3, line 10, after the word "and," to strike out "three-eighths" and insert "one-eighth," so as to make the clause read:

Cotton having a staple of 1½ inches or more in length, 7 cents per pound.

Mr. SIMMONS. Mr. President, the pending bill contains two separate and distinct provisions with reference to cotton and cotton goods. The first is paragraph 16 of the bill which as amended by the Senate committee provides:

16. Cotton having a staple of 1½ inches or more in length, 7 cents per pound.

As the bill passed the House this duty applied only to cotton having a staple of 1½ inches or more.

That paragraph of the bill, Mr. President, in my judgment, would if adopted do no special good and will do no special harm in itself within the 10 months' life of this because it is

not probable there will be any additional importations of consequence within that time. It will be of no benefit. It is the next paragraph of the bill against which I especially complain; which, in my judgment, is fraught with great evil, and if enacted into law will cost the consumers of cotton goods in this country, including clothing, not tens of millions but hundreds of millions of dollars every year it remains in force. That section reads as follows:

17. Manufactures of which cotton of the kind provided for in paragraph 16 is the component material of chief value, 7 cents per pound, in addition to the rates of duty imposed thereon by existing law.

Mr. President, I wish first to discuss the effect of the first paragraph, which imposes a duty of 7 cents a pound on cotton in excess of 1½ inches in the House bill and, as amended by the committee, 1½ inches in length. It is well understood, there can be no controversy about it, that Egyptian cotton is the only cotton which is imported into this country of greater length than 1½ inches, with the exception, perhaps, of a few bales which are imported from Peru, which is, strictly speaking, not cotton, is not sold in competition with cotton, and is not used in the manufacture of cotton goods at all, but is what is known to the trade as "wood cotton," which is used only in the manufacture of certain grades of woollens, chiefly blankets.

Practically, the only cotton of a greater length of staple than 1½ inches imported into this country is that coming from Egypt, known as Egyptian cotton. The Senator from Utah suggests sea-island cotton. I do not think there is any sea-island cotton imported into this country now. We usually import between two and three hundred thousand bales of Egyptian cotton. During the last fiscal year we imported into this country something over 400,000 bales of this type of cotton, and as a result we now have on hand more long-staple cotton than our consumptive demands require, and for that reason importations of Egyptian cotton have for the present practically ceased. During the month of December we imported only seven bales of this cotton, showing that we already have enough to supply the demand.

So, Mr. President, during the life of this bill, which is by its terms only 10 months, we need not expect any considerable additional importations of Egyptian cotton. In that situation it seems to me very clear that the staples grown in this country with which Egyptian cotton comes into competition will not during these few months be benefited by the imposition of this proposed duty.

Now, the only cotton grown in this country with which this Egyptian cotton comes into real competition is about 60,000 bales, grown altogether in the States of Arizona and California and known in the trade as American Egyptian cotton. It is true that there are some staples grown in this country longer than 1½ inches, but the Egyptian type of cotton does not come into competition with those, or, if at all, only to a slight degree. Egyptian type, whether grown here or in Egypt, is used by American manufacturers chiefly in the manufacture of automobile tires. Probably 15 or 20 per cent of it is used by them in the manufacture of fine counts of cotton goods. So it can be stated as a general proposition that the only cotton of the long-staple variety and quality coming into this country and sold in competition with like cotton grown in this country is the Egyptian cotton, and that the only cotton with which that of American growth comes into competition is the 60,000 bales American Egyptian cotton grown in the States of Arizona and California.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SIMMONS. Yes.

Mr. ASHURST. If I do not interrupt the course of the Senator's remarks—

Mr. SIMMONS. Not at all.

Mr. ASHURST. The Senator referred to lines 10 and 11 on page 3, line 10 reading as follows:

Cotton having a staple of 1½ inches—

I see that the committee has reduced that to 1½ inches.

Mr. SIMMONS. Yes.

Mr. ASHURST. I should like to ask the Senator why the amendment is proposed?

Mr. SIMMONS. The amendment was presented by the Senator from Louisiana, and the committee agreed to it. I did not myself see any necessity for it.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. SIMMONS. Yes.

Mr. SMOOT. I will say to the Senator that there are only a few hundred bales of cotton raised in Alabama and part of Mississippi and Louisiana the staple of which reaches 1½ inches, and that amendment was proposed to cover those bales.

Mr. SIMMONS. That is true; but what I am saying is that there is none of that type of cotton imported into this country.

There is no necessity whatever for it, as the Senator from Utah says.

Mr. ASHURST. No necessity for what—for the amendment or for the cotton?

Mr. SIMMONS. For the amendment. The only cotton that is imported into this country that comes into competition with any cotton grown in this country is Egyptian cotton, and that does come into competition with the American Egyptian type of cotton grown in the Senator's State and in California.

Mr. ASHURST. Since this is the only cotton, if I understand correctly, grown in the United States with which there enters into competition cotton grown in Egypt, the Senator therefore would not oppose an amendment to see to it that that competition was precluded by having this amendment made?

Mr. SIMMONS. I shall have no objection to the Senator making that amendment.

Mr. ASHURST. While the Senator is on this subject, I see that the House sends the bill to the Senate with a duty, on line 11, of 7 cents per pound on this cotton.

Mr. SIMMONS. Yes.

Mr. ASHURST. According to the best figures obtainable—and it is difficult even for the Bureau of Markets of our Department of Agriculture to get accurate data as to the cost of growing a pound of cotton in Egypt—but after a careful investigation it has been ascertained that a pound of Egyptian cotton which enters into competition with the Arizona Egyptian cotton can be produced and laid down in our market for 30 cents a pound. I have therefore introduced an amendment, which is pending, raising the numeral "7" to "30," so that the duty shall be exactly the cost of raising the Egyptian cotton and landing it in our ports.

I should like to have the Senator's views on that, because the Senator is a man of much information on this subject. The duty of 7 cents would be of no value to anybody. If none is going to be imported, it would produce no revenue.

Mr. SIMMONS. It will not produce any revenue, because none will be imported within the 10 months. We have imported all the Egyptian cotton that we need here for a year, and no revenue would be realized either from a 7-cent or from a 30-cent duty.

Mr. ASHURST. Then there would be no harm in making the numeral "30" instead of "7," would there?

Mr. SIMMONS. There would not for this 10 months, because we have more than a year's supply on hand.

Mr. ASHURST. That is what I mean.

Mr. SIMMONS. If the bill stopped with laying a duty on this raw cotton, that would be true while this oversupply exists; but the bill does not stop there. The bill makes the 7 cents duty on imports of Egyptian cotton the excuse for giving the manufacturers of cotton goods a compensatory duty to the full amount of the duty imposed on raw cotton. If the duty on raw cotton is fixed at 7 cents a pound, then this bill proposes to give the manufacturers of cotton a compensatory protective duty, in addition to the protection they have under existing law, of 7 cents a pound. If it is fixed at 30 cents, as proposed by the Senator from Arizona, it will give these manufacturers an additional duty of 30 cents by way of compensation.

That is to say, as these two paragraphs are drawn, whether there are importations or no importations of these foreign types of raw cotton, the American manufacturers of cotton goods will be given an additional protection of 7 or 30 cents a pound, as the case may be, upon every pound of clothing that the people of this country wear; and the result of this innocuous and futile duty levied on raw cotton will, because of this resulting compensatory duty, lay a burden upon the American people of hundreds of millions of dollars.

Mr. McCUMBER. Mr. President, will the Senator allow me to ask the Senator from North Carolina a question?

Mr. ASHURST. The Senator from North Carolina has the floor. I have not the floor.

Mr. McCUMBER. The question is this: If the Senator fears that no benefit will be derived by the growers of this long-staple cotton in the United States for the reason that he suggests, that none will be imported during that time, and we have sufficient for manufacturing purposes in this country during the next 10 months, would the Senator be satisfied with this provision with an amendment that this compensatory duty shall apply only to goods manufactured from cotton imported after this bill goes into effect?

Mr. SIMMONS. I do not think you could make effective a provision of that kind.

Mr. McCUMBER. We could make it if we wanted to.

Mr. SIMMONS. If a compensatory duty is levied, it will have to cover all manufactured goods into which this type of

cotton enters as a component material of chief value that may be imported into this country; and that will operate to raise the price of cotton goods produced in this country, whether out of Egyptian cotton or out of our ordinary short-staple cotton, to the extent of the duty on the foreign product.

Mr. ASHURST. If the Senator will permit a further question, he has stated that in his judgment there will be no importations of this Egyptian cotton within the next 10 months, or something similar to that?

Mr. SIMMONS. We have a sufficient supply on hand.

Mr. ASHURST. Now, my information—and I have been relying upon that information as accurate—is to the effect that over 200,000 bales of this Egyptian cotton are ready to be shipped into the United States. Of course, I have deemed that information to be reliable; but if no importations are to be made into the United States, what possible harm would come from raising the numeral "7" to "30"?

To employ a very much overworked word, "psychological," I believe the psychological effect would be beneficial. If the growers of Egyptian cotton in California and Arizona could feel secure against the competition of cotton from Egypt for 10 months, that Arizona Egyptian cotton which is now a drug on the market would be absorbed and disposed of. So I hope that the Senator will assist me with his powerful influence and his great ability in passing my amendment, raising that duty from 7 cents a pound to 30 cents a pound, if for no other than for the psychological effect. I again employ that much overworked word.

Mr. SIMMONS. Now, if the Senator will let me ask him a question—

Mr. ASHURST. Certainly.

Mr. SIMMONS. First, the Senator insists that the producers of long-staple cotton are entitled to this protection against Egyptian cotton, and I suppose he bases that assertion upon the theory that the price of the long-staple American Egyptian cotton has fallen in the market. I believe he just said that this cotton was not bringing the cost of production.

Mr. ASHURST. Nowhere near the cost of production.

Mr. SIMMONS. Nowhere near the cost of production. I assume the Senator is right about that; I do not know; but when the Senator ascribes that slump or depreciation in price to importations of cotton, I think his assumption is a very violent one.

We produced last year 12,000,000 bales of upland or short-staple cotton in this country. No short-staple cotton has been imported into this country and sold in competition with these 12,000,000 pounds of the ordinary American staple, but notwithstanding the fact that there have been no importations whatever of short-staple cotton, that grade of cotton, short-staple cotton, has fallen in the markets of this country and abroad at a greater proportionate rate than long-staple cotton of the Egyptian has fallen in these markets. Now, if the slump in the price of long-staple cotton is due to importations from abroad, then I ask the Senator, What is the cause of a similar slump in the price of these 12,000,000 bales of short-staple cotton? When we have a parallel of that sort, one type of cotton of which there are importations from abroad falling in market value, and an infinitely larger amount of cotton of a different type of which there are no importations from abroad falling in market value in a greater ratio than that which has competition from abroad, does not the Senator think that in that state of things he should look for some other reasons for these contemporaneous slumps than the importations from abroad? These facts argue that the Senator is mistaken in ascribing the cause of the slump, of which he complains, to these alleged foreign importations or in regarding them as the chief and determining factor in bringing about the decline.

Mr. ASHURST. That is not difficult for the Senator, because I would be presumptuous to place myself against the opinion of the Senator from North Carolina on tariff questions.

Mr. SIMMONS. The fallacy that lies at the bottom of this whole bill is the assumption that the depreciation in farm products in this country is the result of outside competition, and the conclusive proof of that is in the fact, as before argued, that those products which have no competition from abroad have fallen in practically every instance equally as much as those that have, and in many instances very much more than those that have competition from abroad.

Mr. ASHURST. If there be a horizontal fall in the prices of those goods and articles which have no competition, just the same as there has been a fall in the price of those that have competition, to what does the Senator ascribe this great debacle, this enormous drop in prices?

Mr. SIMMONS. I ascribe it to world-wide conditions—

Mr. ASHURST. Exactly; the Senator is right.

Mr. SIMMONS. Applying not only to this country, but to every country upon the face of the earth—

Mr. ASHURST. The Senator is correct.

Mr. SIMMONS. Whether that country is upon a free-trade basis, a revenue-for-tariff basis, or upon a protection basis. The slump has been uniform throughout the world, and therefore it can not be due to tariff duties or importations.

Mr. ASHURST. I agree with the Senator, and the Senator could have added that it was inevitable.

Mr. SIMMONS. And therefore you are attempting here to apply a remedy which can not possibly reach or reasonably affect the causes of the trouble it is sought relief against or to remove.

Mr. ASHURST. But because the slump in prices has come as the backwash of the Great War, and because the slump was inevitable, it should inevitably not follow that because the slump was bound to come we are precluded, if we can do so properly, from taking what appear to be just measures to relieve those who are suffering from it.

Mr. SIMMONS. If the Senator will let me proceed I will try to show him that wherever it is possible by legislation to relieve the farmer in his distressed condition I am disposed even to forego for the moment, as an emergency proposition, many of my preconceived notions with respect to tariff and other things. But I want to tell the Senator that, looking at it from that standpoint, with an earnest and sincere desire to help the farmers of this country, in each and every part of it, I have not been able to find in this bill, with the possible exception of wool and sugar, a single instance where the imposition of the duty proposed will in any appreciable measure benefit the American farmer and producer of the product involved.

Mr. ASHURST. Will the Senator yield to me for another question?

Mr. SIMMONS. Certainly.

Mr. ASHURST. Referring to paragraph 16, lines 10 and 11, if the item were 30 cents per pound instead of 7, would not that be a practical embargo?

Mr. SIMMONS. I should say that would be a practical embargo.

Mr. ASHURST. The information I have—and I believe it to be reasonably correct—is that an embargo on the importation of the long-staple cotton, or Egyptian cotton, would immensely relieve the situation.

Mr. SIMMONS. Mr. President, the industries of this country, the manufacturers of automobile tires, the manufacturers of fine cotton goods, need at least 400,000 bales of long-staple cotton of the Egyptian type. Otherwise they must circumscribe their operations. If we should place an embargo upon Egyptian cotton, necessarily we would confine these manufacturers and producers to the use of the domestic product of this type of cotton, and the domestic production is only 60,000 bales as against a domestic demand for 400,000. Conceive that situation if you can, Mr. President; conceive this Government deliberately placing an embargo upon the importation of the foreign product when we only produce one-eighth as much of the commodity as is needed to supply the domestic requirements. Does not the Senator see that that would, in the case under discussion, give the American producer of this long-staple cotton an absolute monopoly in a market that requires eight times as much as the Senator's State and California produce, and instead of this cotton selling for 75 or 100 cents a pound, as it did during the war, it might leap to five or six hundred cents a pound? Would not that be the natural effect of an embargo under such circumstances?

Mr. ASHURST. No.

Mr. SIMMONS. There are probably only 1,500 or 2,000 farmers engaged in producing this American Egyptian brand of cotton in this country who would be benefited to the enormous extent I have indicated, and does not the Senator think we ought to take into consideration the reflex effect upon the consumers of these cotton goods in the United States?

Mr. ASHURST. Certainly.

Mr. SIMMONS. And not burden them with a raw material that can be produced and sold at a profit at 75 cents, and which, under the condition he seeks to bring about, might command in the domestic markets five or six times that amount, because it could not be brought in from abroad?

Mr. ASHURST. Mr. President, if the Senator will yield to me further, all I seek to do is to place such a duty upon this long-staple cotton, temporarily, as will equalize the difference between the cost of production in the United States and in Egypt. It has been ascertained, so far as may be ascertained, that it

costs about 30 cents a pound to grow it in Egypt and land it in our ports. What possible harm, therefore, could come from an effort to equalize the difference, at least for 10 months?

Mr. SIMMONS. I will answer that by showing, in a very few minutes, that the Senator is altogether wrong about his figures.

Mr. ASHURST. I will thank the Senator.

Mr. McCUMBER. Mr. President, I desire to call the attention of the Senator to some figures of imports as bearing directly on the subject he is discussing. I wish to have the attention of the Senator from Arizona as well. The Senator from North Carolina seems to think that our manufacturers of tires could not get along without purchasing and bringing in this amount of cotton from Egypt. I call attention to the fact that we imported in 1918 from Egypt 95,065 bales, and I have not heard but that our tire manufacturers got along with that many bales of Egyptian cotton. Then, in 1919, we imported 103,380 bales from Egypt; and they got along in 1919. But in 1920 we jumped in two years from 95,065 bales to 438,677 bales. Can any Senator say that that had no influence in driving down the price of long-staple cotton?

Mr. ASHURST. Mr. President, the Senator from North Carolina has been so patient and has shown so much courtesy that I am loath to ask him to yield to me further, but I wish he would for me to make a statement of two or three sentences.

I think the figures read by the Senator from North Dakota are correct, and when it was ascertained, Mr. President, that a large portion of that shipment of Egyptian cotton was on its way, indeed, when it was out on the ocean, on the very highways of commerce, en route here, that information caused the price of Arizona Egyptian cotton to fall within a fortnight from a reasonable price—that is, 60 cents per pound, which it cost to produce it—to absolutely nothing.

Mr. SIMMONS. What has it fallen to?

Mr. ASHURST. I think six or seven thousand bales have been sold at from 15 to 25 cents a pound. But there is practically no market.

Mr. SIMMONS. The short staple, which has no such competition, in my country now is selling for from 7 to 12 cents a pound.

Mr. ASHURST. But it costs 70 cents a pound to raise the Arizona Egyptian cotton.

Mr. SIMMONS. And it costs 30 cents to raise the short staple.

Mr. President, the figures the Senator from North Dakota [Mr. McCUMBER] has read simply confirm the statement I made a little while ago. I said a little while ago that the long-staple Egyptian cotton coming to this country would no longer, at least for the period of the next 10 months, flow into this country; that already a sufficient amount of that cotton has been brought in to more than supply the demands of this country for the next year, and probably for the next year and a half, and that no more of it would come. Now, the Senator from North Dakota says we do not need this enormous amount of cotton that has been brought in from Egypt in the last year. I agree with the Senator. I agree we do not need it. I agree that more has been brought in than we do need, and that the market is glutted now, and will remain glutted possibly for the next 12 months. That, Mr. President, is the reason there is not likely to be any appreciable additional imports for the next 10 months, and therefore the reason why this duty will serve no good purpose, so far as its effect upon the farmers' price is concerned. Here is what the Tariff Commission says about that:

The import of Egyptian cotton during the fiscal year ending June 30, 1920, was more than double the normal. With the subsequent decline in domestic prices and curtailment of mill consumption the stock on hand of Egyptian cotton has become so much in excess of the requirements as temporarily to stop imports. During the month of October, 1920, the import of Egyptian cotton amounted to only 3,675 pounds, equivalent to 7 bales of 500 pounds each.

It is evident, therefore, Mr. President, that whatever the duty you may put upon this cotton produced in America, it will not be operative, it can not be operative, until it is necessary to bring more Egyptian cotton into this country.

Then it would become operative and the producers of that cotton in New Mexico would get the benefit of it, whatever it might be. But the condition of which the Senator complains has already happened. The cotton has already come in, and has come in in quantities sufficient to supply the market for a long time to come.

Now, the Senator says that he has some information that there are great cargoes of this cotton ready to be shipped, possibly on the way in transit to this country. I have heard that story every time we have had before us a tariff bill. It has a very familiar sound. I remember perfectly well, when we had

up the bill to impose a so-called emergency duty upon dyestuffs, that we were told that unless the bill was passed before Christmas, and I think we began consideration of it some time early in December of that year 1919, there would be such a flood of German dyestuffs into the country as would literally wreck and put out of business the American industry then in infancy. We were told that the warehouses of Germany were loaded to the roof with dyestuffs that were manufactured during the war, when those factories had nothing else to do, in order that they might be ready, as soon as they won the war, as they expected to do, to flood the markets of the world and regain the monopolistic control of the world's dyestuffs markets, which they had held before the war began. We did not pass the bill and we have not yet passed it, and not only have we had no German inundation but it has developed that there were no surplus dyestuffs in Germany, and the whole story was but moonshine, and, to use a colloquialism, bunk.

Some one has told the Senator from Arizona, and those are the stories, I say, that come constantly to the Committee on Finance when we are preparing these bills, that several hundred thousand more bales of Egyptian cotton are now ready to come to this country or are on the way. If the Senator will reflect for just a moment he will see how ridiculous that is.

When a country has all of a product that it needs, when a country has more of a product than it requires, that country stops buying and importing that product. The market is supplied, and that ends it. Products seeking a foreign market go to countries where the domestic market is not already supplied.

The Senator says that unless the bill is passed the American Egyptian cotton grown in his State will be placed in competition with this cheaply grown cotton produced in Egypt, produced by labor that does not command more than a fraction of the wages paid in this country, and that the reasonable price of the product produced in his State will be consequently depressed and borne down and the cotton farmers there put out of business. Why, Mr. President, American competition with Egyptian cotton has not just begun. We had competition in this country with Egyptian cotton in 1919, we had it in 1918, and if the effect of the importation of that cotton in 1920 is to destroy the value of like cotton in this country, why did it not have that effect in 1919? The answer to the whole thing is that there has never been a time, and that time has not arrived yet, when Egyptian cotton has not sold in the markets of the world at a higher price than the like type of cotton grown in this country. Both have always been high, without reference to the cost of production. Cotton of the Egyptian type is one article the price of which bears little relation to the cost of production. Why is that so? Because the producers have one of the most remarkable natural monopolies in all the world. This long-staple Egyptian cotton is produced nowhere in the world except in Arizona, California, and Egypt—60,000 bales in these two States of this Union and 1,250,000 bales in Egypt. That is the world production of that type of long-staple cotton.

Great Britain manufactures, and so do certain other European industrial nations, use chiefly or almost entirely high-class cotton goods, high-counts cotton goods. Those cotton goods can not be produced except by the use of this particular long-staple cotton. Great Britain buys three or four million bales of short-staple cotton from us and mixes it with the long-staple that she buys from Egypt, and makes these fine counts. She gets just about enough from Egypt to balance off the amount of short staple she buys from us for use in the production of those fine counts. The greater quantity is low-grade short-staple cotton, the smaller quantity is long staple, but on account of its greater value the component element of chief value in these cotton goods is the long staple, because at prices that obtained before the war, when there was no protection, this cotton sold around 75 cents a pound, which was at that time five times as much as the short staple sold for. In all of these fine goods, which, as I said, constitute the chief cotton-goods production of Great Britain, in practically all of them the long-staple cotton constitutes the component material of chief value. I am laying stress upon that for the purpose of showing, when I begin to discuss the other section of the bill, that upon every pound of these fine-cotton goods which we import from Great Britain, by virtue of the compensatory duty given the cotton manufacturer because of 7-cent duty on his raw material, there will be added an additional duty of 7 cents a pound on the imported finished product which the American consumers of those fine goods will have to pay, and that the reflex action of that will be to raise the price of every pound of the coarser goods, manufactured in this country out of our short-staple cotton, to the extent of 7 cents a pound.

The Senator from Arizona is not satisfied with that. He wants to add 30 cents a pound and thereby add that amount to

the duty on English clothing and English cotton goods brought into this country—not only 30 cents a pound upon the Egyptian cotton in those goods but 30 cents a pound upon the American short-staple cotton in them as well. He would add 30 cents a pound upon every pound of cotton goods manufactured and sold in this country as well as in Europe and sold in this country, although but a very small fraction of the domestic output has in it any Egyptian cotton at all.

I said this was one of the most remarkable monopolies in the world, and it is. Just think about it a moment. Here is a world demand, for the finer cotton goods can not be made without this cotton, and less than 1,500,000 bales to supply this world demand.

Now, let us see about the price. I said a little while ago, and I stated it truly, that the cotton producers of this type of cotton in our country are in no danger from Egyptian competition, because the active world demand for this monopolized staple is so great that it will always keep the price up to a reasonable level. It always has, and it always will do so. I know of nothing that has been able to stand up against the world slump any better than Egyptian cotton.

It does not make any difference about the cost of producing that cotton. I do not care how cheap labor is in Egypt. Having this monopoly, and one country in the world—Great Britain—having a demand greater than the entire output of Egypt, of course the price of Egyptian cotton is maintained and the price does not in any way reflect the labor cost. Where there is a surplus of a product the price does reflect the labor cost. But where there is a monopoly like this, and an active demand, not only for every pound but for many more pounds than are produced in the world, the competition of the consumers of that product constitute a guaranty that the price will be maintained at a high level as compared with general prices. I undertake to say that Arizona producers of cotton are in no more danger of being destroyed as a result of importations of Egyptian cotton than they would be if the cost of producing Egyptian cotton was as great as the cost of producing American cotton. It is not a matter of cost of production; it is a question of consumption, demand, and supply.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield.

Mr. McCUMBER. If, as the Senator said, Great Britain demands more than the entire crop raised in Egypt, then how does it happen that Great Britain got her supply and there were 438,000 bales shipped into this country from Egypt?

Mr. SIMMONS. When there are two markets bidding for the same thing, both of them get some of it, but the fact that there are two markets for it keeps the price up. Let me read what the Tariff Commission said about this.

Mr. McCUMBER. But the price did not keep up.

Mr. SIMMONS. The prices kept up above the level of other prices. They have kept up very much better than the prices of short-staple cotton. I say the cost of producing this particular grade of cotton in the United States does not vary very much from the cost of producing short-staple cotton. It has kept up better than the price of the short-staple cotton.

Mr. TRAMMELL. Mr. President, will the Senator permit a further inquiry in regard to importations into this country?

Mr. SIMMONS. Will the Senator let me answer the Senator from North Dakota further?

Mr. TRAMMELL. The Senator might answer this inquiry in conjunction with the other one.

If, as a matter of fact, there was an importation into this country of 438,000 bales, why was that necessary unless we were purchasing the Egyptian cotton at a less price than we could buy the same cotton in the markets of our own country? Does not that indicate that it was being purchased at a less price?

Mr. SIMMONS. We only produced 60,000 bales in this country and our normal demand is for 300,000 bales. That answers the Senator's question.

Mr. President, let me read what the Tariff Commission says about the English demand for long-staple cotton, showing that we have an active competitor in the markets of Egypt for that cotton. I quote:

Long-staple cottons are essential for two purposes: The production of fine counts and the production of yarns of any count where strength and superior wearing qualities are necessary. Of the long-staple cottons that measure over 1½ inches in length, Egypt is the only large source, having a crop that averages around one and a quarter million bales. England is the main producer of fine yarns, and for a good many years English fine spinners have been searching in vain for a new source of supply, as the demand for long-staple cotton has been exceeding the supply. In recent years the sudden upgrowth of the tire-

fabric industry, particularly in the United States, has rendered the situation much more acute by using increasing amounts of long-staple cotton in the production of coarse counts.

In Commerce Reports of February 20, 1920 there are set forth the results of an investigation by the British cotton-growing committee, which shows that while the world is dependent on the United States for its supplies of ordinary cotton, supplemented by coarser grades from India and China, Egypt still remains the only large source of the long-staple cottons needed by English fine yarn mills. The English spinners have been disturbed by the larger amounts of Egyptian cotton required by the expanding tire-fabric industry of the United States, and if the American mills were prohibited access to the long-staple cotton of Egypt the English mills would then be assured a sufficient supply, probably at lower prices, that would enable them to maintain and increase their standing as the world's supplier of fine yarns.

So, Mr. President, it appears not only that there is a monopoly of that product, but all of it is produced in Egypt, except 60,000 bales, and we have the evidence of the Tariff Commission that Great Britain needs every pound of that, and is disturbed that we are getting as large a proportion of it as we are. We have the further statement that unless the American mills are prohibited from buying that cotton Great Britain will not be able to supply her demands.

Is it possible, in view of these conditions, that there should be such a reduction in the price of the Egyptian cotton as to imperil the producers of the 60,000 bales in this country if it is allowed to be imported here? However that may be as a matter of speculation, when we consider the past and examine the statistics we find that the world demand for Egyptian cotton, which the Senator says can be produced at such a low cost in Egypt as compared with the cost of producing the American type, and the monopoly conditions with respect to it has maintained the price of the Egyptian cotton, and it has generally sold slightly above the price of the American cotton of like grade.

Mr. President, as I have said before, there is nothing in the pending bill that can help the farmer who produces the 12-000,000 bales of short-staple cotton. It is not intended to help him; he is not brought within its provisions. I am saying this not because it is necessary to say it but because a propaganda, inaugurated for the purpose of popularizing this legislation, inaugurated for the purpose of creating a protection sentiment among the farmers of the country, inaugurated chiefly for political purposes, in short, is being conducted among the cotton farmers of the South. They are being led to believe that the bill imposes a protective duty upon the character of cotton which they produce. I simply refer to this for the purpose of making it clear that the bill does not provide for the protection of the character of cotton which we in the South grow except the long-staple cotton. It could not under any circumstances afford any relief to cotton farmers generally. If in specific terms it provided a duty of 7 cents a pound, or a hundred cents a pound, on short-staple cotton, such as we produce in the South, it would not help one particle, because we never import, and never shall import, so long as we produce twice as much as we need in this country, any of that character of cotton from abroad.

The truth is, Mr. President, that the price of short-staple cotton in this country is fixed in Liverpool—that is axiomatic in the trade—just as the price of Egyptian cotton is fixed in Liverpool. We can not by the imposition of a tariff any more affect the price of the Egyptian cotton imported into this country delivered duty unpaid at the market than we can affect the price of the short-staple cotton by the imposition of a tariff.

Mr. President, I have said all I care to say with reference to the 7 cents a pound duty on raw cotton. Now, I wish to discuss the section imposing a compensatory duty on cotton goods.

It is the custom of the Republican Party when they impose a duty on a raw material to impose a like compensatory duty on the finished product. It ought to be easy to see that if a duty is imposed upon a raw material which is not imported, or, if imported at all, only to a small extent, it will be ineffective; but if a compensatory duty is imposed upon the finished product of that article and there are large importations of that finished product it will be effective. That is the situation here.

It is proposed to place a duty of 7 cents a pound on raw cotton, which I say can not be effective at least for the next 10 months, and after that time it will be of no benefit except to a relatively few producers. The duty imposed upon that is ineffective for the purpose of protecting against importations of that raw material, but it will operate fully and completely with reference to the protection of the manufactured product.

Mr. President, if it is desired to increase the duty on a product manufactured in this country and at the same time largely imported into this country and difficulty is found in raising the duties because they already seem to be sufficiently high, as in the case of cotton goods, the same purpose can very readily and very adroitly be accomplished by imposing a duty upon the raw material, and then use that duty imposed upon a raw material that does not come into this country, or, if it

comes at all, only in insignificant quantities, as an excuse and a reason for applying a compensatory duty to the manufactured product. That is what is undertaken to be done here.

I do not have the figures at my command now to show the amount of fine-grade cotton goods that we are importing from Europe, but practically all the fine cotton goods now being imported into this country are coming from Europe. We do not produce in this country a large amount of the finer grades of cotton goods, and Europe does not produce a great quantity of the coarser grades of goods such as we manufacture.

Mr. SMOOT. We are now having some importations of cotton goods from China and Japan.

Mr. SIMMONS. Some fine-grade goods may be coming from China and Japan. Practically all the cotton goods that are coming into this country are fine goods; they practically all contain the Egyptian cotton as their component material of chief value, and they are covered by the compensatory duty proposed by this bill. That means—and it can not mean anything else—that when this bill becomes a law it will add 7 cents a pound to every pound of the higher grade of English or European cotton goods that are brought into this country. I do not know how much that would cost the American consumers of cotton goods, but the amount would run up into the tens of millions of dollars. If, however, it stopped there, it would not be so bad; but the effect of that duty upon the European goods imported into this country will necessarily be to raise the price of the coarser goods which our mills produce practically to the extent of that duty. So we are proposing here to do what? For the very slight benefit which 1,500 farmers in Arizona and in California could possibly derive from this duty in connection with the 60,000 bales of raw cotton which they produce, we are proposing to place upon the 105,000,000 consumers of American and English cotton goods in this country a burden of 7 cents a pound upon every pound of the material that enters into the clothes which they wear and upon every piece of cotton fabric which they use in their daily lives.

A tax of millions piled on millions of dollars would be imposed upon the clothes worn by the people for the sole benefit, ostensibly, and only ostensibly, of the producers of 60,000 bales of raw cotton in this country! In my judgment there never was a more preposterous proposition presented to the American Congress than that.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I will say to the Senator from Arizona that it would be better if the Government of the United States should buy every pound of cotton produced in his State and pay \$1,000 a pound for it than to impose this burden upon the people. They will have to bear the burden of raising the money for taxation; and they would save millions piled upon millions by buying it all and paying the farmers of the Senator's State \$1,000 a pound for it—yes; much more than that.

Mr. ASHURST. Mr. President, the Senator says that because the House of Representatives passed a bill and sent it over here laying a duty of 7 cents a pound on Egyptian cotton it is a great burden upon the taxpayers.

Mr. SIMMONS. That is not the burden I am talking about. I am talking about the burden of the compensatory duty on the manufactured product.

Mr. ASHURST. Very well.

Mr. SIMMONS. I am talking about the burden that will be imposed by carrying this 7-cent compensatory duty on to the manufactured goods.

Mr. ASHURST. The Senator does not charge me with introducing that amendment, does he?

Mr. SIMMONS. No; I certainly do not. The Senator has not understood my argument at all.

Mr. ASHURST. I beg the Senator's pardon.

Mr. McKELLAR. Mr. President, I should like to ask the Senator a question.

Mr. SIMMONS. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator says that it is for the benefit of these farmers of Arizona and California to a very large extent.

Mr. SIMMONS. That is, the tax on the raw cotton.

Mr. McKELLAR. Yes; but for the benefit only of this very small class of our people; and then the fact must be taken into consideration that the benefit will not really go to them, because their crops are already largely out of their hands, and this bill is to last for 10 months only.

Mr. SIMMONS. And in addition to that, as I have labored to show here, all the Egyptian cotton that will be required for the next 12 months has already been imported.

Mr. ASHURST. Then, if all the Egyptian cotton that our country will use for the next 10 months is already here, I fail to perceive how the imposition of a duty of 30 cents a pound on

any Egyptian cotton would alter the situation. If none would come in, the situation could not be affected.

Mr. SIMMONS. I do not know that it would. I do not say that it would. As to the duty on raw cotton. I see no good in it and no special evil in it. What I am fighting is the compensatory duty that follows as a result upon that duty of 7 cents a pound on raw cotton.

Mr. ASHURST. If the Senator assumes that because we levy a duty of 30 cents a pound or 7 cents a pound on the raw cotton, it must inevitably follow that we are going to levy a similar duty upon the manufactured products.

Mr. SIMMONS. But the bill says so. The Senator has not read the bill. The bill says so.

Mr. ASHURST. I did not introduce any amendment providing for a duty of 30 cents a pound on the manufactured product.

Mr. SIMMONS. No; but the bill does that very thing. Here is what the bill says. That is the section I have been reading from. The Senator has not understood my argument at all. The bill says that it shall be carried into the manufactured product. Following the paragraph imposing a duty of 7 cents on raw cotton is this:

Manufactures of which cotton of the kind provided for in paragraph 16 is the component material of chief value, 7 cents per pound in addition to the rates of duty imposed thereon by existing law.

Adding to the rates on manufactured cotton goods under the existing law 7 cents a pound.

Mr. ASHURST. But, to discuss my amendment, which runs only to the raw cotton, not to the manufactured product.

Mr. SIMMONS. The Senator knows that I have not been discussing his amendment altogether. When I was discussing his amendment he and I had a very long colloquy, and I think thrashed the thing out pretty thoroughly. Of course, as I have explained—the Senator from Colorado [Mr. THOMAS] calls my attention to it again—if the Senator's amendment is adopted making the duty on raw cotton 30 cents a pound, carrying out the theory of the bill—and it is the theory on which all these bills are made—the duty on the manufactured product would have to be raised to 30 cents a pound instead of 7 cents a pound.

Mr. ASHURST. Why?

Mr. SIMMONS. Because they always make the compensatory duty carried to the manufacturer the same as the duty imposed upon the raw material. They do it in the case of wool also. Wherever in this bill or any tariff bill the Republican Party impose a duty upon raw material that is used in the manufacture of a finished product they always carry the duty imposed on the raw material to the finished product for the purpose, they say, of compensating the manufacturer for the additional cost of his raw material.

Mr. ASHURST. Very well. Now, what is the duty on articles into which imported Egyptian cotton goes?

Mr. SIMMONS. Oh, I could not tell the Senator offhand, but it is very high.

Mr. ASHURST. The duty is very high. That is the point. The duty on the manufactured articles that are made from imported Egyptian cotton is very high. I am insisting that it is an inequality and an injustice to put the manufactured article under a high tariff and then require the grower of the cotton to compete with the labor of the fellah of Egypt, who received during the war 50 cents a day and who now receives about 40 cents a day. That is an inequality that should be remedied. That is the injustice of which I complain. Free trade exists only in the imagination. Every man is a free trader after he gets his own interests protected.

Mr. SIMMONS. Suppose it to be true, as I have stated, that this Egyptian cotton is always sold and is selling in the market, by reason of the active demand for it and the world monopoly, at a higher price or as high a price as the American cotton. Upon what theory of the tariff does the American cotton ask for protection?

Mr. ASHURST. Call it whatever you wish; here is my point, and if it may not be argued successfully, then there can be no argument at all.

During the war considerable areas of the desert land in Arizona and in California were brought under cultivation. The Government agents in some instances urged the farmers to plant Arizona Egyptian cotton. Some of them sold their milch cows, plowed up their alfalfa fields, and grew the Arizona Egyptian cotton in response to the patriotic requests, or rather demands, the departments made. Now, having raised this cotton, after the crop is raised they are told that "although 400,000 bales of Egyptian cotton have come in and 150,000 or 200,000 more bales are on the way, we will stabilize all the other industries, financial institutions, war contracts, and

fiscal affairs of all kinds; but, notwithstanding the fact that we have encouraged you to plant this cotton, after having raised it, we will allow Egypt to dump in her 400,000 bales to crush your market." That is inequitable, unjust, and unfair.

The cotton farmer of Arizona does not want protection. He is a man amongst men. We send to the poorhouse people that can not earn a living. We ask no bounty of the Government. To my full-grown constituents the words "largess," "bounty," "gift," and "gratuity" do not sound well, but they demand and should have a square deal. They desire simply, solely, and only to have their hands untied. If the manufactured article is to be placed under a high tariff, how, then, can you say to the farmer, "You must produce the raw material for the manufacturer, and you must do so in competition with the fellahen of Egypt, but we will protect the manufactured articles?" These people in Arizona and California produced this cotton in response to a patriotic appeal. They produced this cotton in good faith; and I say, appealing to the conscience of men, that it is not good faith on the part of the Government to ask them to plant this cotton, to ask them to spend 70 cents a pound to grow such cotton, and at the same time say to them that we will allow Egypt to send in 400,000 bales of the same kind free of duty. It is not fair; it is not Democratic; it is not Republican. The officials of this Government are but for the benefit of the people; and whenever any function of government, be it Congress or Executive, does the people an injustice, a remedy should be applied.

I am not attracted by any theory which declares that where the Government encourages the people to engage in an enterprise, and then, after they have so engaged in the enterprise, paralyzes them by its strong arm.

Mr. President, I assume the first amendment in order would be the committee amendment; under the parliamentary situation the committee amendment must be disposed of first. I refer to the committee amendment which strikes out, in line 10, the word "three-eighths" and inserts "one-eighth."

Mr. SIMMONS. Does the Senator want a vote on that?

Mr. ASHURST. I will not ask for a roll-call vote on that; but I do want a vote on the amendment I propose on line 11, which strikes out the numeral "7" and inserts "30."

Mr. SIMMONS. I have no objection to having a vote on it. The VICE PRESIDENT. The question is on the amendment of the Senator from Arizona.

Mr. SIMMONS. I think we had better have a yea-and-nay vote on that.

Mr. McCUMBER. Does the Senator want a quorum first?

Mr. SIMMONS. Yes; I ask for a quorum, Mr. President. I make the point of no quorum.

The VICE PRESIDENT. The committee amendment is in order. There is an agreement that committee amendments shall be first considered.

Mr. SIMMONS. I have just made the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Glass	McCumber	Smith, S. C.
Ball	Gooding	McKellar	Smoot
Beckham	Gronna	McLean	Spencer
Borah	Hale	McNary	Stanley
Brandegree	Harris	Moses	Sterling
Calder	Harrison	Myers	Sutherland
Capper	Heflin	Nelson	Swanson
Curtis	Jones, N. Mex.	New	Thomas
Dial	Jones, Wash.	Pittman	Trammell
Dillingham	Keyes	Poindexter	Underwood
Elkins	King	Pomerene	Walsh, Mass.
Fernald	Kirby	Ransdell	Warren
Fletcher	Knox	Sheppard	Williams
France	Lodge	Simmons	Wolcott
Gay	McCormick	Smith, Ga.	

Mr. FERNALD. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] and the junior Senator from Iowa [Mr. KENYON] are absent, attending to business of the Senate.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. On page 3, line 10, the committee proposes to strike out "three-eighths" and insert in lieu thereof "one-eighth," so as to read:

15. Cotton having a staple of one and one-eighth inches or more in length, 7 cents per pound.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. A parliamentary inquiry, Mr. President: I find there is some confusion on this side of the Chamber as to what amendment we are to vote on. The impression seems

to be that we are to vote on the amendment of the Senator from Arizona [Mr. ASHURST].

The VICE PRESIDENT. The vote is on the committee amendment, to strike out "three-eighths" and insert "one-eighth."

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a pair with the junior Senator from Colorado [Mr. PHIPPS], and in his absence I withhold my vote.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from California [Mr. JOHNSON] and vote "yea."

Mr. KIRBY (when his name was called). I have a general pair with the senior Senator from New York [Mr. WADSWORTH], and in his absence withhold my vote.

Mr. KNOX (when his name was called). In the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN], with whom I have a pair, I withhold my vote.

Mr. McCORMICK (when his name was called). In the absence of the junior Senator from Nevada [Mr. HENDERSON], with whom I have a standing pair, I withhold my vote.

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from Ohio [Mr. WILLIS], and in his absence I withhold my vote.

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote, and I therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. SIMMONS (when his name was called). I inquire if the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator, and withhold my vote.

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT]. I notice that he is absent, but I understand if he were present he would vote as I shall upon this amendment, and I will therefore vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Nebraska [Mr. HITCHCOCK], and vote "nay."

Mr. POMERENE (when Mr. WILLIS's name was called). My colleague [Mr. WILLIS] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. WOLCOTT (when his name was called). I have a pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the senior Senator from Missouri [Mr. REED], and vote "nay."

Mr. DILLINGHAM. May I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I withhold my vote, having a general pair with that Senator.

Mr. WARREN. Has the junior Senator from North Carolina [Mr. OVERMAN] voted?

The VICE PRESIDENT. He has not.

Mr. WARREN. I have a general pair with that Senator, and I am not informed as to how he would vote, and not being able to arrange a transfer of my pair, I withhold my vote.

Mr. HARRISON (after having voted in the negative). I have a general pair with the junior Senator from Wisconsin [Mr. LENROOT]. I transfer my pair to the junior Senator from Rhode Island [Mr. GERRY], and let my vote stand.

Mr. GLASS. I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. McCUMBER (after having voted in the affirmative). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I transfer my pair to the junior Senator from Iowa [Mr. KENYON] and allow my vote to stand.

Mr. HARRISON. I wish to announce the absence of the Senator from North Carolina [Mr. OVERMAN], the Senator from Montana [Mr. WALSH], the Senator from Rhode Island [Mr. GERRY], and the Senator from Oklahoma [Mr. GORE] on official business of the Senate.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Vermont [Mr. PAGE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The roll call resulted—yeas 36, nays 12, as follows:

YEAS—36.

Ashurst	Fletcher	Jones, Wash.	Poin Dexter
Ball	France	Lodge	Ransdell
Borah	Gay	McCumber	Sheppard
Brandeggee	Gooding	McLean	Smith, Ga.
Calder	Gronna	McNary	Spencer
Capper	Hale	Myers	Stanley
Curtis	Harris	Nelson	Sterling
Elkins	Heflin	New	Sutherland
Fernald	Jones, N. Mex.	Pittman	Trammell

NAYS—12.

Beckham	Keyes	Smith, S. C.	Walsh, Mass.
Glass	King	Swanson	Williams
Harrison	Moses	Underwood	Wolcott

NOT VOTING—48.

Chamberlain	Hitchcock	Newberry	Shields
Colt	Johnson, Calif.	Norris	Simmons
Culberson	Johnson, S. Dak.	Overman	Smith, Ariz.
Cummins	Kellogg	Owen	Smith, Md.
Dial	Kendrick	Page	Smoot
Dillingham	Kenyon	Penrose	Thomas
Edge	Kirby	Phelan	Townsend
Fall	Knox	Phipps	Wadsworth
Frelinghuysen	La Follette	Pomerene	Walsh, Mont.
Gerry	Lenroot	Reed	Warren
Gore	McCormick	Robinson	Watson
Henderson	McKellar	Sherman	Willis

The PRESIDING OFFICER (Mr. CURTIS in the chair). The yeas are 36 and the nays 12. The Senator from Arkansas [Mr. KIRBY], the Senator from South Carolina [Mr. DIAL], the Senator from Pennsylvania [Mr. KNOX], the Senator from Illinois [Mr. MCCORMICK], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Ohio [Mr. POMERENE], the Senator from North Carolina [Mr. SIMMONS], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Wyoming [Mr. WARREN] having answered "present," there is a quorum present, and the amendment of the committee is agreed to.

Mr. ASHURST. Mr. President, I have an amendment pending, as follows: On page 3, line 11, strike out the numeral "7" and insert in lieu thereof "30," so that the item will read:

Cotton having a staple of 1½ inches or more in length, 30 cents per pound.

The PRESIDING OFFICER. The Chair understands that there was a previous unanimous-consent agreement to act first upon committee amendments.

Mr. ASHURST. I was not aware of that fact, so I withdraw my request.

Mr. SIMMONS. May I ask the Senator from North Dakota if he is not willing that we should vote on the amendment of the Senator from Arizona now, so that we may get through with it? It is the amendment we have been discussing.

Mr. MCCUMBER. The only point is that probably many Senators are away who entered into the unanimous-consent agreement that we would take up committee amendments first, and they being away and not having heard of this request, I should dislike to change the unanimous-consent agreement without their knowledge.

Mr. SIMMONS. Very well.

The PRESIDING OFFICER. The Secretary will report the next committee amendment.

The ASSISTANT SECRETARY. On page 3, line 12, in the numbering of the paragraph the committee reported to strike out "15" and insert "17." It should now be "16," paragraph 13 having been stricken out.

The amendment was agreed to.

The ASSISTANT SECRETARY. In line 13 it is proposed to strike out "14" and insert "16." It should be "15."

The amendment was agreed to.

The ASSISTANT SECRETARY. In line 16 it is proposed to strike out the numerals "16," designating the paragraph, and insert "18." It should be "17."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 4, line 6, the committee reported to strike out "17," designating the number of the paragraph, and insert "19." It should be "18."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 4, line 7, strike out "16," referring to the number of the paragraph, and insert "18." It should be "17."

The amendment was agreed to.

The ASSISTANT SECRETARY. In line 10, strike out "16," the number of the paragraph, and insert "18." It should be "17."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 4, after line 12, the committee propose to insert a new paragraph, as follows:

19. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, 2.13 cents per pound, and for every additional degree shown by the polariscope test seventy-eight one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses, testing not above 40°, 45 per cent ad valorem; testing above 40° and not above 56°, 61 cents per gallon; testing above 56°, 13½ cents per gallon. Sugar draining and sugar sweeping shall be subject to duty as molasses or sugar, as the case may be, according to polariscope test.

That the duties in this paragraph herein imposed are in addition to the rates of duty imposed on such sugars by existing laws and shall in no manner affect or impair such existing laws: *Provided*, That if the imposition of the duties herein shall have the effect of increasing the price in the ports of the United States of duty-paid 96° centrifugal sugar produced in and imported from Cuba beyond 8 cents per pound, or shall increase the price in the ports of the United States of similar sugars paying full duty beyond 8.76 cents per pound, or shall increase the price in the ports of the United States of sugars that have gone through a process of refining or sugars fit for direct human consumption beyond 10 cents per pound, then the emergency duty herein named shall be automatically decreased so as to prevent the prices of such sugars advancing beyond the respective prices herein named.

Mr. SMOOT. Mr. President, I send to the desk a substitute which I propose for the committee amendment, striking out the whole committee amendment and substituting therefor that which I send to the desk.

The VICE PRESIDENT. The substitute will be stated.

The ASSISTANT SECRETARY. In lieu of the amendment proposed by the committee the Senator from Utah proposes the following substitute:

19. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 degrees, seventy-one one-hundredths cent per pound, and for every additional degree shown by the polariscope test twenty-six one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses, testing not above 40 degrees, 15 per cent ad valorem; testing above 40 degrees and not above 56 degrees, 24 cents per gallon; testing above 56 degrees, 4½ cents per gallon. Sugar draining and sugar sweeping shall be subject to duty as molasses or sugar, as the case may be, according to polariscope test.

That the duties in this paragraph herein imposed are in addition to the rates of duty imposed on such sugars by existing laws, and shall in no manner affect or impair such existing laws.

Mr. UNDERWOOD. Will the Senator permit me to ask him a question?

Mr. SMOOT. Certainly.

Mr. UNDERWOOD. I have not had a chance to examine carefully the substitute offered by the Senator and I have just heard it read. I judge from the amendment that he is adopting the plan of tax that was in existence in the Payne Act.

Mr. SMOOT. No; I am simply doubling the tax that is provided in existing law, using the exact words of the existing law, except that I am putting 1 cent a pound on sugar over and above the rate existing to-day.

Mr. UNDERWOOD. How much higher does that make it than it was under the Payne Act?

Mr. SIMMONS. It doubles it.

Mr. SMOOT. Oh, no; it does not. The Payne Act imposed \$1.68 on Cuban sugar.

Mr. GAY. One dollar and sixty-eight and one-half cents.

Mr. SMOOT. One dollar and sixty-eight and seven-tenths cents, if the Senator wants to get down to exact figures, but we will say \$1.68 in round numbers. The proposed substitute will be in round numbers \$1. It simply means an increase of thirty-two one-hundredths of a cent a pound over and above the Payne rate, and it is doubling the rate, as I said, which exists to-day, or adding 1 cent a pound to sugar.

Mr. UNDERWOOD. It is 32 cents a hundred above the Payne Act?

Mr. SMOOT. Yes.

Mr. POMERENE. What does the Senator estimate that the increase to consumers will be under the committee amendment?

Mr. SMOOT. I could not state exactly what it would be from now on, because we can not tell how much we are going to import or what will be the consumption from now on while this act is in operation or how long the act may be in operation. I will say to the Senator frankly that I think it will be in operation only until the regular tariff bill is passed.

Mr. POMERENE. Assuming that this rate goes into effect under the bill and is to continue for a period of eight months, I would like to have some comparison between the Senate committee amendment and the substitute which is now proposed by the Senator from Utah.

Mr. SMOOT. I will say to the Senator that it is very much less than that provided for in the amendment of the committee.

Mr. POMERENE. About how much?

Mr. SMOOT. Perhaps one-third of the amount.

Mr. POMERENE. Then, as I understand it, it would be about 1 cent a pound less to the consumer?

Mr. SMOOT. Oh, more than that; 2 cents, if it is only a third. I can put it this way, and then the Senator can judge, just as well as I or anyone else, what the consumption will be. The consumption of sugar in the United States, if we closed the

doors for a 12 months' period, would be 8,000,000,000 pounds. One cent on that would be \$80,000,000. If it is one-half of that, or 4,000,000,000 pounds, it would be \$40,000,000.

I wish to say to the Senator that if two-thirds of that would come from Cuba and one-third from sugar produced in this country the duty on two-thirds of it would go into the Treasury of the United States, and I predict that if every cent of the additional duty was put on local sugar it would be only one-third of the \$40,000,000.

Mr. FLETCHER. May I ask the Senator what revenue he calculates would be derived?

Mr. SMOOT. At least that amount.

Mr. FLETCHER. What amount of revenue would be derived by the Government?

Mr. SMOOT. If we import 4,000,000,000 pounds, under this provision there would be an additional \$40,000,000 of revenue.

Mr. SIMMONS. Mr. President, I think I made a statement inadvertently, because I misunderstood the Senator. I thought the Senator from Utah was speaking about the Payne-Aldrich duty when he was, in fact, speaking about the present duty. The present duty is 1.04 cents.

Mr. SMOOT. One and three one-thousandths, as I remember it, after the 20 per cent preferential for Cuban sugar is taken off.

Mr. SIMMONS. I am speaking about Cuban sugar. The proposed duty, as it affects Cuban sugar, would be about three-fourteenths.

Mr. SMOOT. That is, as the committee reported it.

Mr. SIMMONS. That would be 3 cents a pound. I could not understand the Senator's substitute as read. Do I understand the Senator to say that his amendment would simply impose an additional duty of about 1 cent a pound?

Mr. SMOOT. One and three one-thousandths cents a pound; in other words, it just adds the same amount as the present duty.

Mr. SIMMONS. If the Senator's amendment is adopted it would make the duty 2 cents a pound?

Mr. SMOOT. It would make it 2 cents a pound.

Mr. SIMMONS. Whereas, if the amendment of the committee were adopted, the duty would be about 4 cents a pound?

Mr. SMOOT. That would all depend upon the price of sugar, I will say to the Senator. My substitute will not depend upon the price of sugar in Cuba; it means a straight duty of 1 cent a pound additional imposed on Cuban sugar reaching the ports of the United States.

Mr. SIMMONS. The Senator merely proposes a flat duty of 2 cents a pound on Cuban sugar?

Mr. SMOOT. Yes.

Mr. SIMMONS. Does the duty apply to sugar from any other country?

Mr. SMOOT. It applies to sugar from anywhere; but Cuba is about the only country from which we shall get any sugar from now on, of course.

Mr. UNDERWOOD. Coming from anywhere else the duty would be more?

Mr. SMOOT. Yes.

Mr. SIMMONS. But if the Senator proposes to impose a flat duty of 2 cents a pound, would not Cuba be entitled to the deduction granted under our preferential arrangement with her?

Mr. SMOOT. The duty, I will say to the Senator, under the existing law is \$1.25 and one-thousandth of one cent; that is the way it figures out.

Mr. SIMMONS. As to sugar coming from everywhere except from Cuba.

Mr. SMOOT. That is what I say. With the 20 per cent differential given to Cuba it makes the duty on Cuban sugar virtually a cent a pound. The amendment I propose simply doubles it. If the Senator will take the Underwood-Simmons Tariff Act and in conjunction with it read the amendment which I propose, he will find that the amendment is word for word the Underwood-Simmons Act, and then the amount of duty imposed by the amendment is in addition to the amount of duty now imposed under that law.

Mr. SIMMONS. The point I am making is this: If the Senator is accurate when he makes the statement that his amendment proposes a flat duty of 2 cents a pound, it imposes a flat duty as to all sugars coming into this country except those coming from Cuba.

Mr. SMOOT. That is right.

Mr. SIMMONS. And the duty would be less as to Cuba because of the differential which we allow her.

Mr. SMOOT. As the Senator now puts it he is right. On Cuban sugar the duty will be 2 cents a pound.

Mr. SIMMONS. And how much will it be on other sugars?

Mr. SMOOT. Two and a half cents a pound.

Mr. SIMMONS. The Senator has the duty so arranged that it will not be a flat rate on sugar from all parts of the world, but a flat rate as to sugar coming from Cuba?

Mr. SMOOT. No; it is a flat rate, I will say to the Senator, on all sugars imported. The differential which under the law is allowed to Cuba will be deducted.

Mr. SIMMONS. If the Senator has safeguarded his amendment in that particular, then he has it all right.

Mr. SMOOT. I assure the Senator the amendment is safeguarded.

Mr. SIMMONS. But I am sure if the Senator would merely offer an amendment imposing a flat duty of 2 cents on sugar imported into this country, Cuban sugar would come in for less and other sugar would come in for no more.

Mr. SMOOT. That is true; the Senator from North Carolina makes the statement just as it is.

I do not know that it is necessary for me to go into any further detailed explanation of the amendment, unless some Senator wishes to ask me a question.

Mr. POMERENE. Mr. President, I personally should be very greatly obliged to the Senator from Utah if he would go into the details of the amendment, in order that I may be able to compare the provisions of his amendment with the provisions of the committee amendment.

Mr. SMOOT. Has the Senator from Ohio a copy of the amendment?

Mr. POMERENE. Yes; I have.

Mr. SMOOT. I suggest that the Senator follow my amendment, and I will read the law as it is to-day. The Senator can compare the two. I will read now from the tariff act of October 3, 1913, which is known as the Underwood-Simmons Act. If Senators will take my proposed amendment, I will read the law and they can then follow my amendment and see exactly what it provides.

Mr. POMERENE. The Senator's amendment has not been printed, has it?

Mr. SMOOT. Yes; it has been printed.

Mr. SIMMONS. I thought the Senator from Utah had only just proposed his amendment.

Mr. SMOOT. I will hand a copy of my amendment to the Senator from Ohio, if he has not one.

Mr. POMERENE. Do I understand that the Senator from Utah is going to read the provisions of the Underwood-Simmons law?

Mr. SMOOT. I am going to read the provision of the act of October 3, 1913. If the Senator will take my amendment, I will read the law, and then the Senator can compare the two. The present law reads:

177. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 degrees, seventy-one one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscope test, twenty-six one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40 degrees, 15 per cent ad valorem; testing above 40 degrees and not above 56 degrees, 24 cents per gallon; testing above 56 degrees, 44 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.

Then follows a provision as to the date when the law shall go into effect, which it is not necessary to read. The Senator will notice that my amendment provides:

That the duties in this paragraph herein imposed are in addition to the rates of duty imposed on such sugar by existing laws, and shall in no manner affect or impair such existing laws.

What I have read is precisely the amendment which I have offered, I will say to the Senator.

Mr. POMERENE. So that the Senator's amendment practically doubles the duty, if I understand it. I am speaking in general terms when I make the statement. The purpose of the amendment of the Senator from Utah is to double the duties under the Underwood-Simmons law; and the duties imposed by the amendment of the Senator from Utah will be at least 1 cent per pound less than the duties imposed by the committee amendment.

Mr. SMOOT. At the price of sugar to-day in Cuba it would be a great deal less than that; but I can not say what it would be in the future.

Mr. SIMMONS. The duty will be something near 2 cents.

Mr. SMOOT. I can not say what it will be hereafter—for instance in two months—but in the amendment which I have offered the duty is a flat rate, or, in other words, as the Senator from Ohio says, it doubles the present rate of duty on Cuban sugars. The rate on Cuban sugar to-day is a cent a pound. I am not referring to the thousandth of a cent; and if the amendment becomes a law the rate would be \$2 a hundred, or 2 cents a pound.

Mr. POMERENE. That is, on all sugars except Cuban sugar?

Mr. SMOOT. On Cuban sugar; but of course the Cuban crop of sugar, which is on hand now and for which they can hardly find a market, is all that will be imported into this country.

Mr. RANDELL. Mr. President, the Senator from Utah did not mean to say the duty would be 2 cents on all sugars except Cuban sugars, but he meant it would be 2 cents on Cuban sugars, and the same in addition on other sugars.

Mr. POMERENE. That is what I understood the Senator from Utah to mean.

Mr. RANDELL. But the Senator from Ohio made a little mistake.

Mr. POMERENE. Perhaps I did.

Mr. SMOOT. Perhaps I also misunderstood the Senator from Ohio.

Mr. POMERENE. Before the Senator from Utah goes on let me ask, so that I may understand this matter—for I had not seen the amendment until it was offered here—do I understand from the Senator from North Carolina that the duty under the committee amendment would add about 3 cents a pound to the rate on sugar?

Mr. SIMMONS. It would add that amount to the duty on Cuban sugar.

Mr. POMERENE. It would add 3 cents a pound to the duty on Cuban sugar?

Mr. SIMMONS. Yes, sir.

Mr. POMERENE. Then it would cost the consumer 3 cents a pound.

Mr. SIMMONS. Yes; if the amendment is adopted it would cost the consumer 3 cents a pound more.

Mr. POMERENE. Just about 2 cents a pound more than it would under the present law if it were to continue?

Mr. SIMMONS. It would be 3 cents more than under the present law. Under the present law the duty on Cuban sugar is 1 cent a pound, in round numbers. If the committee amendment is adopted there will be an additional duty of 3 cents a pound, which will make 4 cents in all. If, however, the amendment of the Senator from Utah is adopted, it will reduce the additional duty from 3 cents to 1 cent; so that that, added to the present duty, will make 2 cents on Cuban sugar, as against 4 if the committee amendment is adopted.

I am against the additional duty on sugar, Mr. President; but if we are going to have it, I would rather have 1 cent additional duty than 3 cents additional duty.

Mr. SMOOT. I wish to state further to the Senator from Ohio, for I think it was he who asked the question in relation to what the Payne-Aldrich duty was—

Mr. POMERENE. No; it was not I.

Mr. SMOOT. Then it was the Senator from Alabama. I will say, however, that the duty under the Payne-Aldrich bill on Cuban sugar was \$1.68 and a fraction of a cent a hundred pounds; so that if my amendment shall be agreed to, during the time the law is in operation the rate will be increased 32 cents a hundred above the duties of the Payne-Aldrich law.

Mr. POMERENE. Mr. President, I assume, of course, that the Senator from Utah, as he usually does, has gone into the mathematics of this question to a considerable extent; and I should be glad if he will state for my benefit what the sum total will be which will be added to the price that the consumers will have to pay during a year under his amendment and what will be added to the table cost of the consumers during a year under the proposed amendment of the Senate committee.

Mr. SMOOT. The only way I can answer that is by saying that if during the life of this bill there should be 4,000,000,000 pounds of sugar consumed in the United States, and if the sugar consumed in the United States should have added to its price an amount equal to the 1 cent duty, then there would be \$40,000,000 added to the total cost. I can not tell, and no living man can tell, what amount the amendment of the committee will amount to during that period, because no man can tell what the price of Cuban sugar will be three months or five months or six months from now. We can guess at it, but under my amendment we know that the additional cost will be a cent on importations, no matter what the price on sugar might be—

Mr. GAY. Mr. President, will the Senator yield to me for a minute?

Mr. SMOOT. I will yield in a moment. If 4,000,000,000 pounds of sugar are consumed, an addition of 1 cent a pound will mean an increase of \$40,000,000.

Mr. POMERENE. That would be \$40,000,000 for one year, would it?

Mr. SMOOT. No. We use more than that for the year.

Mr. POMERENE. What would the total amount be for a year?

Mr. SMOOT. The people of the United States consume about 8,000,000,000 pounds a year.

Mr. POMERENE. So that the Senator is figuring that this bill will continue only for a period of six months?

Mr. SMOOT. For about six months. I ought to say to the Senator that it is during the canning season that great quantities of sugar are used. Half of the sugar imported into this country, as well as that produced in this country and in our possessions, in Hawaii and elsewhere, is not consumed on the tables of the people, but is made into candy and used in connection with the manufacture of jellies, the canning of fruits, and in other manufactured commodities.

Mr. POMERENE. So that I am right in this, am I not, that if the amendment of the Senator were to continue in force for the period of one year it would add \$80,000,000 to the total cost to the consumer?

Mr. SMOOT. No; I would not say that. If the sugar went direct to the table of the consumer and its price were raised the full amount of the duty of 1 cent, then the additional price would be \$80,000,000.

Mr. GAY. Mr. President—

Mr. POMERENE. I wish to pursue my inquiry a little bit further, if I may.

Mr. GAY. Very well.

Mr. POMERENE. What, in the Senator's judgment, would the Senate committee amendment, if adopted, add to the total cost to the consumers during a period of one year?

Mr. SMOOT. Under the Senate amendment?

Mr. POMERENE. Yes.

Mr. SMOOT. It would be the wildest kind of a guess on my part.

Mr. POMERENE. I recognize the care with which the Senator goes into these matters. Will not the Senator fix it as a minimum and a maximum?

Mr. SMOOT. I will simply say that if it were twice the amount, of course, it would be \$160,000,000, or \$80,000,000 with the amount that would be consumed upon the table.

Mr. SIMMONS. Would it not be twice that amount?

Mr. SMOOT. No; it would not be twice that amount.

Mr. SIMMONS. Do we not raise about one-half?

Mr. SMOOT. No; we do not raise that much.

Mr. SIMMONS. Approximately that?

Mr. SMOOT. No. Taking sugar at the very lowest point that it has been known to sell at for years and years past, it would perhaps figure to at least 50 per cent more than that; but it is not very likely that sugar is going to remain as it is now, and if the Senator has read the committee amendment he knows that the duty imposed upon it is not a flat rate of duty.

Mr. POMERENE. I realize that.

Mr. SMOOT. It depends upon the Cuban price of sugar, and I would not want to say just what the rate or rates would be. As I say, it would be the wildest sort of a guess upon my part.

Mr. POMERENE. One of the merits of the Senate committee amendment, I think, is that it is impossible for the public to understand how much they are being skinned by it.

Mr. SMOOT. I would not want to put it in that way.

Mr. POMERENE. No; I do not ask the Senator to put it that way. I put it that way.

Mr. SMOOT. The Senator may, but no doubt the public would know whenever the duties were paid at the port of entry. The amendment is perfectly plain to a person who really knows how to figure the rate of duty; but I will admit that if a person should pick it up who had not given any time or study to it, it would be Greek to him.

Mr. POMERENE. Mr. President, I do not happen to be a member of the Finance Committee and I am perfectly free to confess that it is Greek to me, and I guess it will be Greek to about 99 per cent of the American people.

Mr. SMOOT. As it reads upon its face I am perfectly willing to say that that is true, and I think it would be Greek to more than 99 per cent if they had to judge from the complicated method of imposing a duty on the different degrees of purity of imported sugar.

Mr. POMERENE. I am very glad to have the Senator from Utah make the statement that more than 99 per cent of the people will not know, under this bill, what their increased cost of sugar is.

Mr. SMOOT. They will know when the duty is collected by the Treasury.

Mr. POMERENE. Oh, yes; they will know when they pay it.

Mr. SMOOT. I say that under the wording of my amendment, which is the wording of the present law, or any other law that has ever been written imposing a duty upon sugar, not 1 per cent of the people reading the sugar schedule by itself will know how to figure what the rate of duty is.

Mr. POMERENE. Now, with the Senator's familiarity with the phraseology of this amendment, let me ask him again if he will not give to the Senate his best judgment as to how much this amendment will increase the cost of sugar to the consumer for the period of a year?

Mr. SMOOT. If I knew what the price of sugar would be six months hence, or three months hence, or one month hence, I could tell the Senator exactly, but I do not know what it will be. My best judgment is that the increase will be at least twice what it will be under the amendment I have offered.

Mr. POMERENE. It would be at least \$160,000,000, then, according to the statement made by the Senator a moment ago.

Mr. GAY. Mr. President, will the Senator permit me to answer the question that he has just propounded?

Mr. POMERENE. Why, yes; I shall be very glad to have the Senator do so.

Mr. SMOOT. Certainly.

Mr. GAY. The Senator asked a question, and I tried to answer it at the time, in regard to how much the increase to the American people would be. I can say to the Senator that according to the consumption for last year for the period of 12 months it would amount to 86 cents per capita.

Mr. POMERENE. What was the consumption last year?

Mr. GAY. Eighty-six pounds per capita; and if the consumption kept on at that rate it would mean 86 cents to the individual.

Mr. SMOOT. That is, under my proposed amendment. I understood the Senator was asking about the committee amendment.

Mr. GAY. It was in answer to the question of the Senator from Ohio that I wanted to bring that out. That is under the amendment of the Senator from Utah; yes.

Mr. POMERENE. Under his amendment?

Mr. GAY. Yes.

Mr. POMERENE. Now let me ask the Senator a question. Assuming that the Senate committee amendment is adopted, what would it add to the cost?

Mr. GAY. That depends entirely on the price of sugar. It is arranged according to a sliding scale; and if at any time sugar should reach the point of valuation of 9 cents, which is not unreasonable—96-test sugar, or what is known as raw sugar at the ports of the United States—this would prevent that price from going above 8 cents, because it stops at 8 cents, and if the price of sugar should be 7 cents the duty would be 1 cent.

Mr. SIMMONS. The Senator is talking now—

Mr. GAY. I am answering the question of the Senator from Ohio. If the price of sugar should be 6 cents it would be 2 cents, and so on. Under to-day's price 96-test sugar, which is remarkably low, you would put on the full amount of the duty as imposed by this amendment which I introduced and which was adopted by the Senate.

Mr. POMERENE. Now let me ask the Senator another question. Assuming that under the ordinary law of supply and demand the price of sugar gets down to 6 cents a pound, how does the Senator justify adding 2 cents a pound to it?

Mr. GAY. For the preservation of the American industry. That is the justification of it.

Mr. POMERENE. How much sugar is raised in Louisiana?

Mr. GAY. That depends on the season; sometimes 400,000 tons and sometimes 100,000 tons; but the continental United States does not produce one-half of the amount of sugar that is necessary for the American people. A great deal of it comes from Cuba and from other countries; and I should like to see the United States produce more sugar.

Mr. SIMMONS. Mr. President, I want to say to the Senator that if this amendment is adopted the present price of sugar—

Mr. POMERENE. Does the Senator mean the amendment of the Senator from Utah?

Mr. SIMMONS. The amendment of the Senator from Utah; yes. The present price of raw sugar put down at the American port with the duty added would be raised at once to 6 cents a pound, or something over that.

Mr. POMERENE. What is it now?

Mr. SIMMONS. Cuban sugar now is a little over 4 cents a pound.

Mr. SMOOT. It was selling for 4½ cents the other day.

Mr. SIMMONS. That is without duty?

Mr. SMOOT. That is without duty.

Mr. GAY. It would not necessarily raise it one cent.

Mr. SIMMONS. I am answering the Senator from Ohio, if the Senator will permit me. If you added the duty to it, it would raise it to something over 6 cents a pound—that is, raw sugar. There is a differential in favor of the refined sugar.

Mr. POMERENE. Mr. President, will the Senator allow me to ask him a question there, so that we can understand this fully? When the Senator speaks of adding the tariff to it, does he mean the tariff under the present law, or does he mean the tariff under the amendment of the Senator from Utah?

Mr. SIMMONS. I mean that the duties fixed as provided in the amendment of the Senator from Utah will raise the price of Cuban sugar delivered at the ports of this country to a little over 6 cents a pound. That is the raw sugar. There is a differential in favor of the refined sugar to add to that, and then if you add the duty you have the price of sugar in this country about 10 to 11 cents a pound.

Mr. McKELLAR. Mr. President, will the Senator yield for just a moment, so that I may call attention to something that the Senator from North Carolina said? He said that the amendment of the Senator from Utah would raise the price of raw sugar to a little more than 6 cents.

Mr. SIMMONS. Yes.

Mr. McKELLAR. It is possible, under this amendment, to raise it to 8 cents—

Mr. SIMMONS. Yes; it is possible.

Mr. McKELLAR. Because there is where the limit is placed.

Mr. SIMMONS. I said at the present price of Cuban sugar.

Mr. McKELLAR. At the present price of Cuban sugar; but it is possible to raise it as much as 2½ cents, and no doubt it will be raised that much.

Mr. SMOOT. Oh, no.

Mr. McKELLAR. The increase to the consumer will be more than that.

Mr. SMOOT. Not under my amendment.

Mr. McKELLAR. I am talking about the committee amendment.

Mr. POMERENE. Mr. President, the Senator from Utah has been kind enough to give his judgment as to what would be the minimum amount added to the consumer's cost under his amendment and the minimum amount that would be added to the consumer's cost if the committee amendment were adopted. The Senator from North Carolina has been a student of this subject for a good many years, and I should like now to have his judgment as to what would be added to the consumer's cost under the amendment of the Senator from Utah and under the committee amendment.

Mr. SIMMONS. I have not figured out what the amount of revenue to the Government would be from the import of sugar, but I can say to the Senator, upon the theory that we import about one-half of our sugar from Cuba, that the consumers of this country would pay just about twice what the Government would get in the form of revenue. I have not figured out how much it would increase the revenue. Assuming that we import half of our sugar and that it pays a duty to the Government, to ascertain what that duty would amount to that same tax would be carried on and added to the price of the domestic sugar, and that would be increased to the same extent as the price of the imported sugar would be increased, so that the consumer would have to pay just about twice the amount that the Government would receive in the way of revenue.

Mr. POMERENE. If I understand the Senator correctly, it is his judgment that the committee amendment, if adopted, will add about 3 cents a pound to the price of sugar under the present circumstances.

Mr. SIMMONS. Raw sugar; yes.

Mr. POMERENE. So that, assuming that we produce about one-half of the sugar which we consume, it would be the equivalent of adding 6 cents a pound duty to the sugar which we import.

Mr. SIMMONS. No, Mr. President; it would add 3 cents a pound to the duty upon the sugar that we import. It would likewise add 3 cents a pound to the value of the sugar produced in this country.

Mr. POMERENE. I understand that, but I do not think I made myself clear. We know that it would add 3 cents a pound to the sugar we produce; in other words, it would be the equivalent of adding 6 cents a pound to every pound that we bring into this country.

Mr. SIMMONS. Exactly. It would amount to that. It would be equivalent to that.

Mr. POMERENE. That is the amount of it. Now, is the Senator able to tell the Senate what amount of revenue we would get under either the amendment of the Senator from Utah or the committee amendment?

Mr. SIMMONS. I am not.

Mr. SMOOT. The Senator can calculate it very easily under my amendment.

Mr. POMERENE. I can if I can have a few minutes in which to do it.

Mr. SMOOT. But you can not calculate it under the committee amendment, because nobody knows what the price of sugar is going to be. I have told the Senator frankly everything there is about this matter.

Mr. POMERENE. Oh, I am sure the Senator has been perfectly frank about it.

Mr. SMOOT. Perfectly frank. I want the Senators to know all there is in the amendment.

Mr. SIMMONS. If the Senator from Utah will pardon me, can you not compute what it would be upon the basis of the present price of sugar in Cuba?

Mr. SMOOT. Of course, if you do that, it would be about 3 cents a pound, and with 4,000,000,000 pounds it would be \$120,000,000. That is easily computed. But I want to say now, in answer to the Senator from North Carolina, that if sugar is 4½—that is, \$4.37 a hundred—with the existing duty, with the additional 1 cent duty proposed in my amendment, which would mean an increase of 2 cents a pound, it would be \$6.37 a hundred. The refining differential generally allowed is \$1.53. That would make sugar \$7.90 refined, ready to sell, with a profit to the refiner. That is the price it ought to be sold at to the retailer. Of course, sugar is sold on very close margins. Suppose they did make a dollar a bag on it, and that is almost twice what they ever do make in ordinary times.

Mr. POMERENE. The Senator means to the refiners?

Mr. SMOOT. No; that is the cost of selling. If they made a dollar, it would be \$8.90. Of course, they could not make a dollar a bag besides the \$1.53; but I mean the retail price would be a dollar added to \$7.90, which would make it \$8.90, or, in round figures, 9 cents a pound for sugar. There is no question but that all my amendment does is to add a cent to the existing rate of duty, and as sugar is retailing for 8 cents to-day, adding a cent would make it 9, and what I have said is how it is figured out.

Mr. McKELLAR. Mr. President, will the Senator from Ohio yield to me to ask the Senator from Utah a question?

Mr. POMERENE. Certainly.

Mr. McKELLAR. I wanted to ask the Senator why he had not in his amendment put in the limitation that when it rose to 8 cents a pound the tariff automatically should cease?

Mr. SMOOT. I do not think there is any necessity of it.

Mr. McKELLAR. Would the Senator object to that?

Mr. SMOOT. Yes; I would object, because it would add to the amount, and I do not want to add more than a cent a pound to the rate of duty imposed to-day.

Mr. McKELLAR. I was simply speaking of the committee amendment. I am opposed to that amendment, too. That is a provision that the tariff shall not be imposed where it exceeds 8 cents a pound—that is, at the ports—but if you are going to put a tariff on it, there ought to be some limitation. I would prefer to make it none at all.

Mr. SMOOT. If the Senator will vote for my amendment, that will all go out. Then you would know what the rate would be.

Mr. McKELLAR. I do not think I would know what it would be. I do not understand why some limitation can not be put on the Senator's amendment, as on the committee amendment.

Mr. UNDERWOOD. I think it is evident we can not vote on this problem to-night, and I suggest to the Senator from North Dakota that we take a recess.

Mr. McCUMBER rose.

Mr. WARREN. If I may be permitted, I wish to submit a report from the Committee on Appropriations.

Mr. McCUMBER. Very well.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. WARREN. I report from the Committee on Appropriations, with amendments, the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and I submit a report (No. 774) thereon.

Mr. POMERENE. May I ask the chairman of the Committee on Appropriations when he expects to call up the legislative bill?

Mr. WARREN. I hope to take it up to-morrow.

Mr. SIMMONS. Does the chairman of the committee think the consideration of that bill will consume all of to-morrow?

Mr. WARREN. One can never tell. It need not consume all of to-morrow, but many contested questions may arise. While the bill has been increased a little by the Senate committee, the increase is only a little over \$500,000, so that the increase is less

than one-half of 1 per cent upon the amount in the bill sent us from the House.

Mr. SIMMONS. My purpose in asking the question was because no one on this side of the Chamber, and I suppose no one on the other side, thought the emergency tariff bill would be called up this afternoon, and we were somewhat embarrassed when it was called up. I hope, if the appropriation bill just reported is to be taken up to-morrow, we may have an understanding that the tariff bill will not be taken up until Saturday morning.

Mr. McCUMBER. Mr. President, will the Senator allow me to make a suggestion? If we go on with this appropriation bill to-morrow, the Diplomatic and Consular appropriation bill is also ready. I shall attempt on Saturday morning to call up the tariff bill, and to keep it before the Senate until it is disposed of.

Mr. SIMMONS. Then the Senator will not call up the tariff bill to-morrow?

Mr. McCUMBER. I will not, unless we get through with both appropriation bills before the usual time of adjournment. Then, of course, I would want to call it up for some discussion. Senators will be given plenty of time to discuss it.

RESTRICTION OF IMMIGRATION.

Mr. HARRISON. Mr. President, as the leaders on the other side are arranging their calendar to take up the various bills, I hope they will consider the bill that was ordered reported out of the Immigration Committee this morning, which will be on the calendar to-morrow. If the Senate were not in a hurry to adjourn, I would like to read what appears in the afternoon paper under the heading "Aliens bring typhus into the United States"; but I shall not burden the Senate with it now. It appears that there were 3 deaths from typhus and 20 cases of typhus among the 1,375 passengers on one steamer that landed in New York yesterday, and there is a statement from Commissioner Wallace to the effect that if something is not done the whole country will be flooded with these undesirable immigrants.

It would seem to me that in view of the fact that the House has already passed what is known as the Johnson immigration bill, we should take action on the matter at this session. I might say that action is very urgent and very necessary if we are going to restrict or stop such immigration during the next 14 months. So I hope that the Senators on the other side, as they make up their calendar to take up these bills, will provide so that the chairman of the Immigration Committee can call up that bill and the Senate pass it. I do not believe it will invoke much discussion at this time. It is a very good bill, although I hope it will be amended in some respects. It is a very urgent measure and ought to be passed by the Senate at as early a date as possible.

Mr. McCUMBER. I hope the bill can be disposed of, Mr. President.

AMENDMENT OF WATER POWER ACT.

Mr. JONES of Washington. Mr. President, I wish to ask unanimous consent for the present consideration of the bill (S. 4640) to amend section 2 of an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920.

I do not believe there will be any objection to the bill. It is a measure which I explained the other day, amending the water-power act so as to make the legislative provision for appropriations for such employees as they deem necessary to carry out that act in order on an appropriation bill.

Mr. POMERENE. May I ask the Senator from Washington if that is the question relating to the water power act, in so far as it affects the public parks?

Mr. JONES of Washington. No; this is not that bill. I am not seeking to bring that bill up now, because I know the Senator from Ohio desires to discuss it. However, I am informed that the Senator from Utah [Mr. Smoot] desires that Senate bill 4640 shall go over for a little while, so I shall not ask that it be taken up now.

RECESS.

Mr. McCUMBER. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Friday, February 11, 1921, at 11 o'clock a. m.